

LAWS OF ALABAMA.

ACTS OF THE FOURTH ANNUAL SESSION.

No. 68.]

AN ACT

To amend the Revenue Laws of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, ^{increase of 50} there shall be assessed and collected on all subjects of ^{per cent.} taxation under existing laws, an additional tax of fifty per cent. upon the tax now imposed by law; *Provided,* ^{Proviso,} that this act shall not apply to auction sales, nor to the tax imposed by the first and second sections of an act entitled, "An Act to amend the revenue laws of this State," approved December 8th, 1862, on bonds of the Confederate States and of this State; but the tax on auction sales and on profits derived from the purchase and sale of gold, silver, sterling exchange, bank notes, bonds of the Confederate States and of the State of Alabama, bonds of railroad companies, domestic bills of exchange, notes and other evidences of debt, shall remain as now provided by law.

SEC. 2. *Be it further enacted,* That there shall be assessed and collected on all cotton and tobacco held and ^{Tax on Cotton} owned in this State, either by citizens or non-residents, ^{and Tobacco.} a tax of three eighths of one per cent.; *Provided,* that such quantity as may be necessary for the use of the family of the owner shall be exempted from this tax.

No tax on property escaped to or captured by public enemy.

SEC. 3. Be it further enacted, That no tax shall be collected, whether previously assessed or not, on property which has escaped to, or been captured or destroyed by the public enemy, unless in case of escape or capture, the property has been recovered by the owner; and no tax shall be assessed on negro property which has been impressed by the Confederate Government, for the period of twelve months, unless such property has been returned to and is in possession of the owner at the time of assessment, or unless the owner has been paid for the same by the Confederate States government or its officers or agents.

"Solvent" before the word "debts."

SEC. 4. Be it further enacted. That paragraph nine, section two, of an act entitled, "An Act to amend the revenue laws of this State," approved December 9th, 1862, be amended by striking out the words "purposely kept" in the first line, and inserting before the word "debts" the word "solvent."

Tax on gold, silver, &c. may be paid in kind or its value in Confederate notes.

Comptroller to fix the rate.

SEC. 4½. Be it further enacted, That the tax in kind upon gold, silver, sterling exchange and bank notes, may, at the option of the tax payer, be paid either in kind, or in State or Confederate treasury notes, at their value as compared with the value of the gold, silver, sterling exchange or bank notes assessed; that the Comptroller of Public Accounts shall, on the first day of March next, fix the value of gold, silver, sterling exchange and bank notes in Confederate and State treasury notes, and shall give each tax assessor and collector in the State written notice thereof, by private communication; and the tax on gold, silver, sterling exchange and bank notes, shall be assessed and collected pursuant to the provisions of this section.

Change bills and treasury notes to be received for taxes, &c.

SEC. 5. Be it further enacted, That all change bills and treasury notes of this State which, on their face, are receivable in the payment of all public dues, shall be received in the payment of all taxes and other public dues in conformity with the provisions on their face, except the tax in kind upon gold, silver, sterling exchange and bank notes, when the tax-payer shall elect to pay in kind instead of State or Confederate treasury notes, as provided in the preceding section of this act.

How when property has been injured by the troops,

SEC. 6. Be it further enacted, That whenever the property of any tax-payer, in any county in this State, has been injured or destroyed by the Federal or Confederate forces, or the owner thereof has been temporarily deprived of the use or occupancy thereof, or of the means

of cultivating the same, by reason of the presence or proximity of the Federal or Confederate forces, the assessment on the entire property of said tax-payer thus injured or destroyed, may be reduced in proportion to the damage sustained; or the tax thereon may be reduced in the ratio of the entire loss by the court of county commissioners, on satisfactory evidence submitted to them by the owner or agent of said property, or by the county tax assessor; *Provided*, that the operations of this act shall in nowise affect the provisions of the act approved December 5th, 1863, "for the relief of counties overrun by the public enemy."

SEC. 7. Be it further enacted, That the following words in section ten of an act entitled, "An Act to amend the revenue laws of this State," approved December 9, 1862, to-wit: "and upon all wages or salaries of persons who by reason of any engagement, appointment, or contract in any department of the Confederate Government, are exempted from conscription, ten per cent. on such wages or salary," be and the same are hereby stricken out and repealed.

Approved December 13th, 1864.

No. 64.]

AN ACT

Further to amend the Revenue Laws of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That upon all subjects of taxation embraced in an act entitled "An Act to amend the revenue laws of this State," approved 9th December, 1862, and in all acts amending said act, including an act passed at the present session of the General Assembly, entitled "An Act to amend the revenue laws of this State," there shall be assessed and collected a tax of thirty-three and one-third per cent. upon the amount now fixed by the revenue laws, including the act passed at the present session, this being an increase upon the amount now provided by law to be assessed and collected.

Approved December 13th, 1864.

No. 65.]

AN ACT

To provide for any deficiency in the Treasury, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Governor may
issue treasury
notes.

convened, That to provide for any deficiency in the treasury now existing, or which may hereafter exist, until otherwise provided by law, the Governor of the State be and he is hereby authorized and empowered to cause to be issued treasury notes of this State, of the denomination of one hundred dollars and less, but not below five dollars; which notes shall be made payable to bearer, on demand, and shall be redeemable in treasury notes of the Confederate States, bearing date on or after the 17th day of February, 1864, and receivable in payment of all public dues of every description, including corporate and county taxes, except taxes as are required by the laws of this State to be paid in kind, and shall be receivable in payment of taxes in kind in the manner provided by the revenue laws of this State.

Description.

How to be
signed.

SEC. 2. *Be it further enacted*, That all treasury notes issued under this act shall be signed by the treasurer of the State, and countersigned by the comptroller of public accounts, or by some person or persons for each of them, to be appointed by the Governor: Provided that the Governor shall give notice of the names of those who may be appointed in some newspaper published in the city of Montgomery: And provided further, that before any treasury note issued under this act shall be paid out, it shall be the duty of the comptroller to provide a book wherein shall be registered the notes thus issued and paid out, and when signed, numbered and registered, they shall be delivered to the treasurer of the State and charged on the books of his office, as so much cash to be accounted for.

Duty of Comptroller.

To be paid out
as currency.

SEC. 3. *Be it further enacted*, That treasury notes issued under this act, may and shall be paid out by the treasurer as currency, to meet appropriations made by law, or in payment of debts due by the State; or said treasurer may exchange them, or any part of them, for current bank notes, or the notes of the Confederate States of the new issue, unless hereafter prohibited by law; and whenever the public officers receiving such treasury notes for public dues shall pay them out again,

it shall not be deemed or held that the State is thereby relieved from its obligations to pay the same to any holder thereof.

SEC. 4. Be it further enacted, That all notes issued under this act shall express on their face that they are redeemable in Confederate States treasury notes, issued on or after the 17th February, 1864, and receivable in payment of all public dues, as provided by the revenue laws. How redeemable.

SEC. 5. Be it further enacted, That if any person or persons, shall forge or falsely alter, any note issued by virtue of this act, or shall utter or attempt to pass any forged or altered note purporting to be issued under this act, knowing such note to have been forged or altered, such person or persons shall be guilty of forgery in the first degree, and on conviction, shall suffer the pains and penalties now provided by law for forgery in the first degree. Penalty for forgery.

SEC. 6. Be it further enacted, That the Governor be and he is hereby authorized to pay the person or persons who may be employed by him to number, date and sign the notes issued under this act, such compensation as he may deem just, whether employed by the day or otherwise. Compensation for signing, number'g, etc

SEC. 7. Be it further enacted, That the treasury notes issued under any existing law, except change bills of the denomination of one dollar or less, shall be redeemable in Confederate States treasury notes issued on or after the 17th day of February, 1864, and receivable in payment of all public dues, except taxes to be paid in kind, as now required by law, and the option reserved to the State of redeeming such treasury notes in Confederate treasury notes or in bonds bearing five per cent. interest, is hereby expressed by electing to redeem the same in Confederate treasury notes of the new issue, as herein provided. What treasury notes are redeemable in Confederate treasury notes

SEC. 8. Be it further enacted, That to meet any emergency, the Governor shall be authorized to issue bonds of the State to an amount not to exceed two millions of dollars, having twenty years to run, bearing interest at six per cent. per annum, with coupons attached for the payment of interest semi-annually, and renewable at the pleasure of the State; and all authority heretofore given to the Governor to issue bonds of this State is hereby revoked.

SEC. 9. Be it further enacted, That if treasury notes cannot be issued in time to meet the demands upon the treasury, the Governor shall be and he is hereby authorized to borrow on the credit of the State, for six months or less, one million of dollars, or such less amount as may be necessary: Provided, that a greater rate of interest than eight per cent. per annum shall not be paid.

SEC. 10. Be it further enacted, That to carry this act into effect the sum of three hundred thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, to be paid upon the warrant of the comptroller.

SEC. 11. Be it further enacted, That no person or persons shall be employed by the Governor to number, fill up, date or sign said treasury notes, who are liable to military service in the State or Confederate States.

Approved December 13th, 1864.

No. 66.]

AN ACT

To regulate the Treasury Department.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all moneys heretofore appropriated for military purposes remaining in the State treasury, and all such moneys as may hereafter be appropriated, shall be drawn from the treasury upon the warrant of the quartermaster general upon the comptroller of public accounts, who shall draw his warrant therefor upon the State treasurer. Such warrant of the quartermaster general shall be predicated upon the requisitions of the disbursing officers of the Quartermaster's department.

SEC. 2. Be it further enacted, That the payments and re-payments into the treasury, on account of the military fund, or from sales of salt, liquors, cotton or wool cards, and upon all other accounts connected therewith, shall be made upon the certificate of the comptroller to the treasurer, after inspection and certificate of the quartermaster general, which certificate of the comptroller shall also specify the person from whom to be received, the amount to be paid, and the fund to which the same belongs; and all such money may be re-drawn from the

treasury, when necessary, without any specific appropriation thereof: *Provided*, that nothing herein contained shall authorize any such original appropriation to be overdrawn, except when increased by such re-payment or re-payments. Provided.

SEC. 3. Be it further enacted, That all funds returned to the treasury by the quartermaster general, from the sale of cotton or wool cards, may be re-invested in the purchase of cards, or of machinery and material for their manufacture, whenever such purchase may, in the opinion of the Governor, be deemed advisable, the same to be drawn from the treasury upon warrant of quartermaster general upon the comptroller. Certain monies may be re-invested and how.

SEC. 4. Be it further enacted, That all accounts of assistant quartermasters and disbursing officers of the quartermaster's department, or under the control of the quartermaster general, shall be rendered quarterly, or oftener if required, to the quartermaster general, for his inspection, and he shall endorse thereon his approval or disapproval, stating the grounds of disapproval, and shall then forward them to the auditor of the treasury, who shall audit and adjust the same under the laws now in force in relation thereto. Quarterly accounts of certain officers to be made to the quartermaster general.

SEC. 5. Be it further enacted, That the auditor shall keep his office with or contiguous to that of the comptroller: and it shall be his duty to register all warrants drawn by the comptroller upon the military fund, and all certificates of payments or re-payments to said fund, and to audit, correct and adjust all military accounts. Auditor's office, where to be kept.

SEC. 6. Be it further enacted, That all salaries and balances due to officers, agents or persons connected with the military department of the State, shall be paid upon the certificate of the auditor, specifying the sum due, the person to whom due, and on what account, by warrant as directed in the first section of this act. Salaries, etc., to be paid on certificate of auditor.

SEC. 7. Be it further enacted, That all moneys appropriated for the military department, salt, cotton & wool cards, and other funds subject to the warrant of the quartermaster general, shall be placed to the credit of the quartermaster general, specifying the amount of each appropriation. About certain monies appropriated.

SEC. 8. Be it further enacted, That appeals from the decision of the auditor may be taken to the comptroller of public accounts, whose decision thereon shall be final. Appeals.

SEC. 9. And be it further enacted, That the laws and parts of laws inconsistent with the provisions of this act, be and the same is hereby repealed. Repealing section.

Approved December 13th, 1864

No. 67.]

AN ACT

Making an appropriation for the support of the indigent families of soldiers in the military service from the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of three million of dollars be, and the same is hereby appropriated for the support of the indigent families of soldiers who are now in or may hereafter enter the military service of the Confederate States from the State of Alabama, or who now are or may hereafter be in the military service of this State, including the families of those who have gone into the service as substitutes, to be distributed in equal amounts in the months of March and September, 1865, under the provisions of an act entitled "An Act to provide for the indigent families of soldiers in the army of the Confederate States from the State of Alabama," approved 12th November, 1862.

SEC. 2. *Be it further enacted,* That the indigent families of deceased soldiers, and of such discharged soldiers as have been or may become incapacitated for physical labor, on account of wounds received, or permanent diseases contracted in the military service, be, and the same are hereby made beneficiaries under this act: *Provided,* that this and all other laws passed for the benefit of the indigent families of soldiers be so construed as to include the mothers, sisters, and daughters of soldiers who are indigent, and who may prove to the satisfaction of the judge of the probate court of their respective counties, that they pursue industriously some reputable avocation for a livelihood and yet are unable to support themselves and their families.

SEC. 3. *Be it further enacted,* That before any judge of probate or county commissioner shall receive or distribute any portion of the money appropriated by this act, it shall be his duty to take an oath, in writing, to faithfully and impartially discharge the duties herein imposed, which shall be filed in the office of the clerk of the circuit court of the county, and may be used in case of any indictment for a violation of the provisions of this act.

SEC. 4. *Be it further enacted,* That if any judge of probate, county commissioner, or any agent employed by

them, or by the State, to carry out the provisions of this act, shall apply any of the money or articles which may come into his hands, to his own use, or appropriate the same in any manner, not contemplated by this act, he shall be deemed guilty of embezzlement, and on conviction, shall be punished as now provided by law for such offence; and such offender, and his securities, if he be a bonded officer, shall be liable to the State for the amount which may be embezzled or misappropriated, to be collected as in other cases of embezzlement or defalcation; which amount, so collected, shall be paid over to the county in which the offence was committed, for the use of the indigent families of soldiers in said county.

Penalty for misappropriation.

SEC. 5. Be it further enacted, That if any officer or agent who may be entrusted with the distribution of the fund herein appropriated, shall wilfully fail to make an equal and impartial application of the same, he shall be subject to indictment therefor, and on conviction, shall be fined not less than one nor more than three thousand dollars, and be imprisoned in the county jail not less than six months.

Penalty for not making a fair distribution.

SEC. 6. Be it further enacted, That, for the purpose of detecting fraud and to secure fidelity in the execution of this act, it shall be the duty of the sheriff and circuit clerk *ex-officio*, to examine the books and vouchers of the judge of probate in their county, connected with the distribution of the money appropriated by any act of this State for the support of the indigent families of soldiers; and in such examination, the sheriff and circuit clerk shall ascertain in what manner the accounts are kept, how the money has been applied, whether the whole amount has been paid out, and if not, what amount remains on hand, and the reason it has not been distributed; to examine the vouchers for payments and compare them with the books of the judge of probate; and the sheriff and circuit clerk, after a full and thorough examination, shall report to the Governor of the State, the result of such investigation, with such recommendations as in their judgment will render the present system of distribution more perfect; which report shall be laid before the General Assembly, by the Governor, at its next annual session; and for such services, the sheriff and circuit clerk shall each be entitled to receive five dollars per day for the time actually employed in making such examination.

Certain officers to make examination.

Must report to the Governor.

Penalty for interposing obstacles to such examination.

SEC. 7. Be it further enacted, That if any judge of probate shall wilfully interpose any obstacle to the examination of his office, required by this act, he shall be guilty of a misdemeanor, and on conviction, shall be fined in a sum not to exceed two thousand dollars, and shall be imprisoned in the county jail not less than one, nor more than six months.

Penalty for refusing to do their duty.

SEC. 8. Be it further enacted, That if any judge of probate or county commissioner, shall refuse or wilfully neglect to discharge the duties imposed herein, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than one, nor more than three thousand dollars.

Penalty for false return of families.

SEC. 9. Be it further enacted, that if any officer whose duty it shall be to make returns of the number of indigent families, shall wilfully make a false return of a larger number than there are in the county or beat, for which his return is made, and also, if he wilfully refuses or neglects to return any that should be returned, he shall be guilty of a misdemeanor, and on conviction, in any court of competent jurisdiction, shall be fined not less than one thousand dollars, and shall forfeit the office he holds, and upon conviction, his office shall be deemed vacant and a new officer elected or appointed as provided by law in other cases of vacancies. And each officer or agent hereinabove referred to, or authorized by this act, shall, before entering on the discharge of his duties, file with the probate judge an affidavit, to the effect, that he will faithfully discharge his duties under this law, and that he will not in any respect violate any provision of this act; and such an affidavit must be filed as aforesaid, by each officer or beat agent, or other kind of agent, now acting under any former law for the relief of indigent families of soldiers. And all of the returns above referred to shall be laid before the grand jury by the respective probate judges, at each term of the circuit courts, or of the city courts of Montgomery and Mobile. And such beat agents shall receive such compensation as the commissioners' courts may allow.

Oath to be filed.

Families removing from one county to another.

SEC. 10. Be it further enacted, That when families entitled to a distributive share, provided in this act, or under any former act, when the funds are yet unadministered, shall remove from one county to another, it shall be the duty of the proper agents, at the next enumeration of indigent families, or when the list is revised, to include such families, so removing; and they shall be

entitled to a distributive share in the same manner that the other indigent families of soldiers are, at the distribution subsequent to such enumeration ; and the family so removing, shall be entitled to draw the unpaid distributive share, or shares, to which it would have been entitled in the county from which the family removed, for the remainder of said year.

SEC. 11. Be it further enacted, That if the judge of probate and county commissioners of any county, shall find it necessary to procure corn beyond the limits of their county, for the use of indigent families of soldiers, About procuring corn from another county. they shall be authorized to employ a competent agent to purchase and superintend the safe keeping and transportation of the same ; and for such services, may allow a reasonable compensation to such agent, to be paid out of the fund distributed to such county.

SEC. 12. Be it further enacted, That section 6 of an act entitled "An act to increase the efficiency of the quartermaster's department of this State," approved December 8th, 1863, be, and the same is hereby repealed ; and the duties imposed upon the quartermaster general by said section, shall devolve upon the comptroller of public accounts. Duties devolved on Comptroller.

SEC. 13. Be it further enacted, That the probate courts of the several counties of the State, be instructed to make special inquiry as to the efforts being made by the families to be benefited by the provisions of this act, to sustain and support themselves, and any family failing to exert all due diligence to minister to their own wants, shall be regarded as having forfeited their claims to the benefits of this act. To ascertain what efforts families are making for a support.

Approved 13th December, 1864.

No. 68.]

AN ACT

To guard and protect the appropriations made by the General Assembly of this State for the support of the families of Indigent Soldiers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several probate judges of this State shall be required to make semi-annually reports to the Comptroller of Public Accounts of this State of all dis- Probate judges to make semi-annual reports to Comptroller

To furnish
with correct
enumeration.

bursements made by them of the funds paid over to them under any of the Acts of the Legislature making appropriations for the support of indigent families of soldiers, and said judges are also required to furnish the Comptroller with a true and correct enumeration of all the indigent families within their respective counties, which reports and enumeration shall be made under oath, semi-annually, and shall be approved by the commissioners' court in said counties.

When reports
are to be made

SEC. 2. Be it further enacted, That the reports required of the several probate judges in this act, shall be made on the first day of March, 1865, and every six months thereafter, and that for failure to perform the duties required in this act, such judges shall forfeit all right to compensation for disbursing such appropriations.

Approved December 15th, 1864.

No. 69.]

AN ACT

To provide Clothing for Confederate Soldiers from the State of Alabama in Federal prisons.

Governor to
ascertain cer-
tain informa-
tion.

Governor to
make certain
arrangements

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Governor, immediately after the passage of this act, to address a communication to the Secretary of War for the purpose of ascertaining whether an arrangement has been made with the United States by which the soldiers of the Confederate States in Federal prisons can be provided with suitable clothing and blankets, and if so, whether the Confederate Government will be able promptly and amply to provide for soldiers from this State.

SEC. 2. Be it further enacted, That if the Governor should ascertain to his satisfaction that the Confederate Government cannot make such provisions for the soldiers from this State, in that event the Governor shall be, and he is hereby empowered and required to make such arrangements, if the same can be done, as will provide such amount of clothing, shoes, provisions and blankets as may be necessary to render comfortable the soldiers in Federal prisons from this State, either by making a contract with some responsible person or per-

sons to deliver the same to the prisoners, or to an authorized agent of the State, or by purchasing and exporting cotton, or other southern commodities, and investing the proceeds in such articles as may be needed for the purposes of this act; and in determining whether the clothing and other articles shall be procured by contract for their delivery, or by purchasing and exporting cotton, due regard shall be had to the immediate wants of the soldiers in view of the rigor of the winter season in the climate where the soldiers are imprisoned.

SEC. 3. Be it further enacted, That the Governor be, and he is hereby directed to appoint an agent for the State to receive and distribute the clothing and other articles to be procured under this act, and if cotton, or other southern commodities, should be exported, to superintend the purchase, exportation and sale of the same, and the investment of the proceeds thereof as contemplated by this act: Provided, that before said agent shall enter upon the duties of his agency, he shall be required to enter into bond with good security, to be approved by the Governor, in the penal sum of five hundred thousand dollars, conditioned that he will faithfully and impartially discharge all the duties imposed upon him by this act, and that he will make due returns of all transactions connected with his agency, and in good faith account to the State for all the money or effects which may go into his hands, and return to the State any surplus which may remain after providing the soldiers with clothing, shoes, provisions and blankets, and the amount of money to each as hereinafter provided.

Governor to appoint an agent.

Duties of said agent.

His bond.

SEC. 4. Be it further enacted, That if there should be any surplus of the fund herein appropriated, after providing clothing, shoes, provisions and blankets, it shall be the duty of the agent to distribute to each soldier twenty dollars, or in that proportion, if the surplus should be insufficient to enable the agent to distribute twenty dollars to each, for which a receipt shall be taken from each soldier and be accepted as a voucher in the settlement between the agent and the State.

What to do with any surplus.

SEC. 5. Be it further enacted, That should the Governor deem it best for said agent to proceed immediately to the United States for the purpose of ascertaining the locality and wants of the imprisoned soldiers, he shall be authorized to appoint another agent to superintend the purchase and exportation of cotton, if that plan should be adopted, and such agent shall be entitled to

Governor may appoint an additional agent.

Additional
agent to give
bond.

receive for his services the amount of his actual expenses and ten dollars per day for the time actually employed, to be paid out of the treasury upon the warrant of the Governor, and such agent shall be required to enter into bond with good security, to be approved by the Governor, in such sum as the Governor may deem proper to protect the State, conditioned that he will faithfully discharge the duties herein imposed, and account to the State for all money or other effects which may go into his hands.

Compensa-
tion of agent.

SEC. 6. Be it further enacted, That said agent, provided for by the 3d section of this act, shall be entitled to receive for his services such amount as will defray his necessary and unavoidable expenses in carrying this act into effect, and three thousand dollars per annum, or at that rate for the time he may be employed in the service of the State, to be paid in treasury notes of this State, or of the Confederate States.

Appropriation
to carry out
this act.

SEC. 7. Be it further enacted, That to carry this act into effect, the sum of five hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, to be paid out of the treasury on the warrant of the Governor.

In case of a
vacancy.

SEC. 8. That should a vacancy occur in the office of agent, provided by this act, the Governor shall appoint an agent to fill said office, who shall, before entering upon the duties of his office, give bond as required of the agent herein appointed.

Approved December 10, 1864.

No. 70.]

AN ACT

Amendatory and supplemental to An Act therein named relating to Clothing for Alabama Soldiers in Northern Prisons.

Part of section
1 repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the communication which the first section of the act entitled, "An Act to provide clothing for Confederate soldiers from the State of Alabama in Federal prisons," approved December 10, 1864, and all that relates to such communication be, and the same is hereby dispensed with and set aside; and the Governor is here-

by authorized to proceed forthwith to execute and carry into effect all the other provisions of said act, without waiting to make or making any such communication, and without waiting upon the Secretary of War or Confederate Government, or upon any arrangement from that quarter.

Approved December 13th, 1864.

No. 71.]

AN ACT

To provide for furnishing Clothing and other necessities to Alabama Soldiers who are prisoners on Ship Island.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be, and he is hereby empowered to direct the Quartermaster-General of the State, without delay, to supply the soldiers and seamen from this State who are prisoners on Ship Island, with such clothing, blankets, shoes, and provisions, as they may absolutely need, out of any supplies of such articles now under the control of the Quartermaster-General, or which may be procured by means of the appropriation made by this act, upon such terms and in such manner as the Governor shall prescribe.

SEC. 2. *Be it further enacted*, That the sum of fifty thousand dollars, or so much thereof as shall be necessary, be, and the same is hereby appropriated to carry out the object contemplated by the first section of this act, to be drawn from the treasury by the Quartermaster-General on the warrant of the Comptroller, upon the requisition of the Governor.

Approved December 13th, 1864.

No. 72.]

AN ACT

To extend the time within which official bonds must be filed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever a person, who is serving in the

Ninety days given to file bonds in certain cases. army or navy of the Confederate States, or of the State of Alabama, shall be elected to any office in this State, in which an official bond is required, that the time within which such person so elected shall file his official bond, shall be ninety days after such election, instead of the time now required by law.

Repealing clause. SEC., 2. Be it further enacted, That all laws and parts of laws contrary to the provisions of the first section of this act, be, and they are hereby repealed.

Approved December 9th, 1864.

No. 73.]

AN ACT

To rescind a certain contract herein named.

To rescind contract with J. W. Shackelford. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor is hereby authorized, upon just and equitable terms, to rescind a contract made by him with John W. Shackelford, a citizen of Perry county, for the distillation of alcohol and whisky : Provided, the said John W. Shackelford consents thereto, and the Governor shall be of opinion, from evidence to be adduced before him, that said contract ought to be rescinded.

Approved December 1st, 1864.

No. 74.]

AN ACT

To authorize the Governor to rescind certain contracts therein named.

General power to release given to the Governor... proviso. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever, in the opinion of the Governor, any person, who has contracted with the State for the distillation of spirituous liquors, has been prevented from performing his contract by the public enemy, or on account of any cause not within his control, the Governor shall have power to release such person from said contract, or to settle with the party on such terms and conditions as may be considered just and equitable :

Provided, that no person shall be, by this act, or any action of the Governor under this act, released from any forfeiture or penalty which he may have incurred by any violation of his contract, or any criminal prosecution to which he may have rendered himself liable by any violation of his oath or contract, or any violation of the laws against the distillation of grain in this State.

Approved December 13th, 1864.

No. 75.]

AN ACT

To authorize a settlement between the State and Joseph H. Bradford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized to settle all matters growing out of the agency of Joseph H. Bradford and his contract for the procurement or delivery of salt, and his bond for money advanced to him by the State, to assist him in procuring salt upon such terms as in his judgment shall be just, and for the interest of the State; and in case he shall be unable to effect such a settlement, it shall be his duty to report on the subject to the next General Assembly.

Authority to settle with J. H. Bradford.

Approved December 13th, 1864.

No. 76.]

AN ACT

To reduce the amount of public printing to be done for the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the public printer shall be, and he is hereby required to print, fold, stitch and deliver to the State two thousand copies of the acts and joint resolutions of the General Assembly, three hundred copies each of the journals of the Senate and House of Representatives, and three hundred copies each of the report of the Comptroller of public accounts and the State treasurer, instead of the num-

Reduction of No. of acts, journals, reports of Treasurer and Comptroller.

Public prin.
ters must file
assent of secu-
rities.

ber provided for by law : Provided, however, that before this act shall take effect the printers and their securities, upon their official bond, shall file with the Governor their written assent to the reduction proposed in this act.

None of the
acts to be
bound.

SEC. 2. Be it further enacted, That the clause in section 83 of the code, which requires that three hundred copies of the laws shall be half bound and lettered, be, and the same is hereby suspended until the conclusion of a peace between the United States and the Confederate States.

Approved December 13th, 1864.

No. 77.]

AN ACT

To repeal "An act to regulate the sale and exportation of corn," approved December 8th, 1862.

Act repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled an act to regulate the sale and exportation of corn, approved December 8th, 1862, be, and the same is hereby repealed.

Approved December 9th, 1864.

No. 78.]

AN ACT

To regulate the distribution of whisky and alcohol under State control.

Agency to be
at the centre.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the agency for the distribution of State whisky and alcohol, shall be established near the centre of each district, if practicable, and that a sub-agency shall be appointed by the district agents in each county.

Supply to be
apportioned.

SEC. 2. Be it further enacted, That the district agent shall apportion any supply he may receive among all the counties within his district, in the ratio of population of last census, notifying the county sub-agent, who shall take charge of the same, and distribute it among the physicians and druggists equitably.

SEC. 3. Be it further enacted, That those counties which have not heretofore been the recipients, shall receive from first supplies an amount sufficient to equalize them (on the rule in preceding section) to counties supplied. As to counties not heretofore received their supply.

SEC. 4. Be it further enacted, That it shall be the duty of the district agent to make a report quarterly to the quartermaster general, and sub-agent of amounts received, and to what counties distributed; and in case he fails to comply strictly with this law, he shall not be entitled to any commissions for his services, and removed from the agency. Reports of agents and sub-agents.

Approved December 13th, 1864.

No. 79.]

AN ACT

To authorize the destruction of Coupons of State Bonds when redeemed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required to destroy, by burning, all coupons of State bonds taken in and redeemed by him prior to the first day of October, 1864. Comptroller to destroy all prior to 1st October, 1864.

SEC. 2. Be it further enacted, That hereafter it shall be the duty of the commissioners appointed to examine the office of said Comptroller to destroy, by burning, such coupons as they may find therein, in like manner redeemed up to the said first day of October, next, preceding such examination. Commissioners to destroy hereafter.

Approved December 13th, 1864.

No. 80.]

AN ACT

To provide for the exchange of Confederate States Treasury Notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby au-

Governor to draw old issue from the treasury.

To exchange for new.

thorized to draw from the treasury, on warrants to be issued for that purpose by the proper officers, when requested by him so to do, the entire amount of the *old* issue of Confederate States treasury notes which may be remaining in the State treasury on the 15th day of December, 1864, and to deposite the same in the Depository of the Confederate States at Montgomery, Alabama, taking certificates therefor, at two-thirds of their face value, payable in the *new* issue of treasury notes, dated on or after the 17th day of February, 1864, any law to the contrary notwithstanding.

Approved December 12th, 1864.

No. 81.]

AN ACT

To amend An Act to aid in arresting Deserters and Stragglers from the Army, approved October 7th, 1864.

Section nine amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section nine of said act be amended by inserting after the words "once in each week," the words "when such beat commandant shall deem it necessary."

Not to do duty as patrol out of precinct

SEC. 2. Be it further enacted, That no one of such County Reserves shall be required to do duty as a patrol out of the election precinct in which he resides without his consent; and the leaders of patrol squads shall hear excuses for not performing such duty, and report to the beat commandant those who fail to do patrol duty without sufficient excuse; and the beat commandant shall hear excuses, as well where they are made to him in the first instance as when appeal is taken to him; and an appeal may be taken from the beat commandant to the county commandant of Reserves, and from his decision, if made against the reserve, an appeal may be taken to the Governor. Each appeal provided for shall be taken in ten days after the decision, and such appeals, in the meaning of this act, shall be a notice in writing

Hearing excuses.

About appeals

to the person whose decision is appealed from, that it will be taken; and the appeal must be heard by the officer to whom taken in thirty days after it is taken, and must be prosecuted by the appellant, or shall be considered as waived thirty days after it is taken.

SEC. 3. Be it further enacted, That stragglers or deserters arrested by patrols, shall be securely confined and delivered to the beat commandant, who shall deliver them to the county commandant, who may confine them in the county jail, or otherwise, until they can be delivered to the military authorities; and the expenses incident to such delivery and confinement shall be paid out of the State treasury, to be drawn upon the warrant of the Comptroller, upon the certificate of the county commandant of Reserves, or judge of probate.

Treatment of stragglers and deserters.

Expenses how to be paid.

SEC. 4. Be it further enacted, That for failure to do patrol duty, without sufficient excuse, when the person so failing is unable by reason of age or physical disability to duty in the second class militia, he shall be fined in a sum of not less than five, nor more than fifty dollars, to be collected in the name of the county, before a justice of the peace; and such fine, when collected, shall be paid over into the county treasury.

Penalty for failure to do patrol duty.

SEC. 5. Be it further enacted, That the beat commandant shall appoint some discreet person as leader of each squad, and no punishment shall be inflicted on any slave unless by the consent of such leader; and in no case shall a greater punishment be inflicted upon a negro by said patrol than thirty-nine lashes; and in case of greater punishment being inflicted on any negro by said patrol, the leader of the patrol shall be guilty of a misdemeanor, upon conviction of which he shall be fined in a sum of not less than fifty, nor more than five hundred dollars.

Leader of each squad.

Punishment.

Approved December 12th, 1864.

No. 82.]

AN ACT

To amend An Act therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That nothing in the act entitled, "An Act to aid in arresting deserters and stragglers," approved October 7th, 1864, shall warrant the employment of the County Reserves, or first class militia, as a permanent or regular guard for Federal prisoners at any of the Confederate prisons in this State:

First class militia not to guard prisoners.

Approved December 8th, 1864.

No. 83.]

AN ACT

To appropriate Eighty Thousand Dollars to pay the Members and Officers of the General Assembly of the present session.

Appropriation
of \$80,000.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of eighty thousand dollars, or so much thereof as may be necessary, be appropriated out of any money in the treasury not otherwise appropriated, to pay the members and officers of the present session of the General Assembly.

Approved November 29th, 1864.

No. 84.]

AN ACT

To make appropriations for the fiscal year ending on the 30th day of September, 1865.

Governor and
other State
House officers

Judges.

Solicitors and
Attorney Gen-
eral.

Clerks, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be, and the same are hereby appropriated for the payment of salaries and other claims against the State for the fiscal year ending the 30th day of September, one thousand eight hundred and sixty-five, viz: To the Governor of the State, four thousand dollars; to the Secretary of State, twenty-nine hundred dollars; to the Comptroller of Public Accounts, thirty-six hundred dollars; to the State Treasurer, thirty-nine hundred dollars; to the Superintendent of education, two thousand dollars; to the Supreme Court judges, each, four thousand dollars; to the Supreme Court Reporter, twelve hundred dollars; to the Supreme Court Marshal and State Librarian, one thousand dollars; to the Circuit Court judges, each, three thousand dollars; to the Solicitors, each, two hundred and fifty dollars; to the Chancellors, each, three hundred dollars; to the Attorney General, four hundred and twenty-five dollars; to the clerk in the Comptroller's office, two thousand dollars; to the clerk in the Secretary of State's office, five hundred dollars; to the clerks in the Treasurer's office, each, two thousand dollars; to the private secretary of the Governor, twelve

hundred and fifty dollars ; to the recording secretary of the Governor, two thousand dollars ; to the keeper of the State House, one hundred and fifty dollars ; to the State Armorer, one hundred and fifty dollars ; to the Adjutant and Inspector General, two thousand dollars ; to the principal secretary of the Senate, and the principal clerk of the House, each, twenty dollars per day for each day of the session : to the assistant secretary of the Senate, and the assistant and engrossing clerks of the House, each, fifteen dollars per day for each day of the session : to such additional assistant clerks as may be employed by the Senate and House of Representatives, fifteen dollars per day, each, for the number of days so employed ; to the door-keepers of the Senate and House, fifteen dollars per day, each, for each day of the session : to the messenger of the House, five dollars per day for each day of the session ; to pay contingent expenses in the office of superintendent of education, nine hundred dollars ; to the principal secretary of the Senate, and the principal clerk of the House, for completing the journals of their respective Houses, arranging and filing away papers in proper order for the next session of the General Assembly, each, two hundred and fifty dollars ; to the Secretary of State, for copying the journals of both Houses at the recent extra and present regular sessions, reading proof-sheets and superintending the printing of the same ; for placing marginal notes and preparing indexes to the laws and journals, and the distribution of the same, eight hundred dollars.

Military officers.

Clerks and Door-keepers, &c.

Education contingent expenses.

Principal Secretary and Clerk.

Copying journals, &c.

SEC. 2. Be it further enacted, That the Comptroller of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer in favor of the parties entitled thereto, for the several sums of money herein appropriated, at the time payable by law, on presentation of proper vouchers and receipts therefor.

Comptroller to draw his warrant.

SEC. 3. Be it further enacted, That the sum of two thousand dollars is hereby appropriated to pay for the distribution of the laws and journals of the recent extra and present regular sessions of the General Assembly, and the Comptroller of Public Accounts shall draw his warrant on the State Treasurer in favor of the several agents engaged in the distribution, upon their producing the Secretary of State's certificate that the sums charged are according to contract, and that the services have been performed.

Distribution of the laws.

Contingent
fund.

SEC. 4. Be it further enacted, That the sum of fifty thousand dollars be, and the same is hereby set apart as a contingent fund to meet extraordinary expenses and contingencies, to be drawn on the warrant of the Governor.

Approved December 13th, 1864.

No. 85.]

AN ACT

To pay for servants' hire during the present session of the General Assembly.

Appropriation
of \$1800.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of eighteen hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to pay servants' hire during the present session of the General Assembly, and the Comptroller of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer in favor of the Secretary of State for that sum, or so much thereof as may be necessary, for the purpose stated, to be paid out of any money in the treasury not otherwise appropriated.

Approved December 13th, 1864.

No. 86.]

AN ACT

To extend the provisions of an act to continue the office of commissioner and trustee of the State bank and branches, approved December 8th, 1863.

Additional
powers con-
ferred.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in addition to the powers conferred upon the commissioner and trustee to settle the remaining affairs of the State bank and branches by the provisions of an act entitled an act "To continue the office of commissioner and trustee, and to provide for the payment of the foreign debt of the State," approved December 8th, 1863, the said commissioner and trustee shall have power to hypothecate the bonds of North Carolina and

Virginia, now belonging to the State, for the purpose of raising the means necessary to pay the interest on the foreign debt of the State.

Approved December 13th, 1864.

No. 87.]

AN ACT

To require the salt commissioner to make quarterly reports, and to increase the compensation of the State salt commissioner.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the salt commissioner of the State shall make quarterly reports to the Governor, and annual reports to the General Assembly, of the operations and condition of his department. To make quarterly reports:

SEC. 2. *Be it further enacted,* That from and after the approval of this act, the compensation of the superintendent of the State salt works, shall be three thousand dollars per annum, instead of the compensation now allowed by law. Compensation increased to \$3,000.

Approved December 13th, 1864.

No. 88.]

AN ACT

To suspend the operations of certain acts therein named until otherwise provided by law.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act the more effectually to secure subordination among slaves by requiring the owner or overseer to reside with them, approved February 5th, 1856," and an act entitled "An Act to further secure subordination among slaves," approved February 8, 1861; and an act entitled "An Act to amend an act the more effectually to secure subordination among slaves by requiring the owner or overseer to reside with them, approved February 5, 1856," approved December 9th, 1862, be, and are hereby suspended, until Acts requiring owner or overseer to reside with their slaves suspended.

Not to affect
prosecutions
pending.

otherwise provided by law : *Provided, however, that this act shall not affect offenses already committed against said acts, nor prosecutions now pending for offenses against said acts, except that upon the trial of any person in any such case, he may show in his defense any excuse for non-compliance with said acts that may be satisfactory to the jury, and the jury may acquit or convict as in their judgment the evidence and justice, equity or the public good may require.*

Approved December 3d, 1864.

No. 89.]

AN ACT

For the protection of the Citizens of Alabama.

Enrolling officers arresting
citizens who
are exempt.

Penalty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter if any enrolling officer, or other person acting under authority, or pretended authority, of the Confederate States government, shall arrest any public officer of this State, or any citizen of this State, who is legally exempt from military service in the Confederate States, knowing him to be so exempt, with intent to put him into the Confederate service, or to force him to do military service against his will, or shall threaten, or in any other way attempt to intimidate any such citizen or officer of this State, and thereby induce him to enroll his name and enter the Confederate service against his will, knowing him to be so exempt from such service, or shall by any false papers or documents, or wilful misrepresentations of the law, induce any such officer or citizen to enroll and enter said service against his will, knowing him to be so exempt from such service, or shall wilfully mutilate, destroy, or retain any certificate of exemption, medical or surgeon's certificate, or other paper belonging to any citizen of this State, who is, or shall be alledged to be subject to the military service of the Confederate States, against his will, shall be subject to indictment, and on conviction shall be fined in a sum not less than one thousand dollars, nor more than ten thousand dollars, or imprisoned in the county jail not less than six months nor more than two years, one or both, at the discretion of the jury trying the same.

SEC. 2. Be it further enacted, That this act shall be published once in each newspaper printed in the city of Montgomery, immediately after the approval thereof. Act to be published.
 Approved December 12th, 1864.

No. 90.]

AN ACT

To prevent accidents on Railroads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever the tracks of separate and independent railroads cross each other, it shall be the duty of all engine drivers and conductors to cause the trains which they respectively drive and conduct, to come to a full stop within fifty feet of the place of crossing, and then to move forward slowly—the train of the eldest road to have the privilege of crossing first. Cases of roads crossing. Trains to come to a full stop.

SEC. 2. Be it further enacted, That in case any engine driver or conductor of a railroad train shall fail to comply with the requirements of the first section of this act, he shall be esteemed guilty of a misdemeanor, and shall, on conviction before the circuit court of the county in which such offense may be committed, be fined not less than five hundred dollars, nor more than one thousand dollars, and be imprisoned in the common jail not more than twelve months, at the discretion of the jury trying the case. Penalty for failure to comply with requirements.

SEC. 3. Be it further enacted, That it shall be the duty of the chief superintendent of every railroad to instruct the engine drivers and conductors, under his control and management, as to the provisions of the first section of this act, and to order them to comply with the same; and for failure to do so, the said chief superintendent shall, on conviction before the court mentioned in the second section of this act, be fined not less than one thousand dollars. Chief superintendent to give instructions. Penalty for failure.

Approved December 10th, 1864.

No. 91.]

AN ACT

To increase the compensation for taking up a runaway slave.

Twenty-five
dollars to be
compensation

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the compensation for taking up a runaway slave shall be twenty-five dollars, instead of the amount now allowed by law. *Provided,* that this act shall terminate with the existing war.

Approved December 10th, 1864.

No. 92.]

AN ACT

To allow Plaintiffs in attachments to be Witnesses in certain cases.

When defend-
ants abscond
or remove
from the State
plaintiffs may
be witnesses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases of attachment in any of the courts of this State, if the defendant has absconded before or removed from the State after the issuance of the same, if the plaintiff would be a competent witness to prove the correctness of the demand, under the provisions of section 2313 of the code, by giving the notice required by section 2314 of the code, such notice may be given by filing the same in the office of the clerk, or register of said court, twenty days before the trial of said cause.

Applies to ca-
ses now pend-
ing.

SEC. 2. *Be it further enacted,* That the provisions of this act shall apply to attachment causes now pending as well as those hereafter issued.

Approved December 12th, 1864.

No. 93.]

AN ACT

To increase Fees in Criminal Cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases of conviction for a criminal offense hereafter, the fees of the Solicitors or other prosecuting officers, shall be increased and is hereby increased fifty per cent. upon the respective fees now allowed them by law, to be taxed and paid as heretofore.

On conviction for criminal offenses, fees of Solicitors increased fifty per cent.

Approved December 12th, 1864.

No. 94.]

AN ACT

To amend an act entitled "An act in relation to the officers of Court," approved November 14th, 1862.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act in relation to the officers of court," approved November 14th, 1862, be amended so as to add at the end of the first section of said act the following words: "And also in cases in which the State enters a nolle prosequi."

Added to first section.

Approved December 12th, 1864.

No. 95.]

AN ACT

To repeal the proviso to the third section of an act entitled "An act the more effectually to secure and collect fines and forfeitures, and for other purposes," approved February 25th, 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the proviso to the third section of an act entitled "An act the more effectually to secure and collect fines and forfeitures, and for other purposes," approved February 25th, 1860, be, and the same is hereby repealed.

Proviso to 3d section repealed.

Approved December 12th, 1864.

No. 96.]

AN ACT

For the relief of tax collectors in this State.

Actual expenses to be allowed.

Amount limited.

Same relief to sheriffs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, tax collectors of this State shall be allowed and paid the actual expenses incurred by them in going to and returning from the Capital when required to do so by law, said amount to be determined by the affidavit of each tax collector or his agent carrying the same, and to be allowed by the Comptroller and paid by the State treasurer; *Provided,* that the amount of the expenses so allowed shall not amount to more than fifty cents for each mile in going to and returning from the Capital, the distance to be determined by the law now in force regulating the mileage of members of the General Assembly; *and further provided,* this such allowance shall be in lieu of all travelling expenses now allowed by law to tax collectors.

SEC. 2. *Be it further enacted,* That sheriffs, for carrying convicts to the penitentiary or from one county to another, shall be allowed the same compensation herein allowed to tax collectors.

Approved December 13th, 1864.

No. 97.]

AN ACT

For the relief of Sheriffs.

Cost of their books to be allowed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That during the existence of the present war between the Confederate States and the United States, it shall be lawful for the court of county commissioners, in each county, to allow to sheriffs the amounts properly expended by them for books for the use of their offices,

Approved December 13th, 1864.

No. 98.]

AN ACT

To amend article four section two of the revised School Law.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That article four section two of the revised school law be, and is hereby so amended as to require the several tax collectors of this State to deposit a duplicate receipt from the county superintendents in the office of the State superintendent of education, before he shall receive credit for the same on the books of the Comptroller of public accounts.

Approved December 9th, 1864.

No. 99.]

AN ACT

In reference to the reports of Trustees of Free Public Schools.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when trustees of free public schools fail to make reports according to law of the number of children in their respective townships to the county superintendents, the State superintendent shall make the distribution of the school fund according to the last reports on file in his office, any law to the contrary notwithstanding.

Approved December 10th, 1864.

No. 100.]

AN ACT

To fix the price of the Reports of the Supreme Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the volumes of Reports of the Supreme Court of Alabama, which have been published since the first day of January, 1863, or which may hereafter be published, shall be sold at the cost price thereof instead

Hereafter sold at cost price.

Back volumes
at \$25.

of the price now provided by law ; and the Reports on hand, which were published before that date, shall be sold at the price of twenty-five dollars.

Approved December 9th, 1864.

No. 101.]

AN ACT

To repeal in part an Ordinance to provide for the military defense of the State of Alabama, adopted January 17, 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the above recited Ordinance as provides for the appointment of an Adjutant-General and an assistant Adjutant-General, be and the same are hereby repealed.

What relates
to Adjutant
and assistant
Adjutant re-
pealed.

Approved December 1st, 1864.

No. 102.]

AN ACT

To repeal "An Act to provide for paying for medicines furnished to indigent families of soldiers from the State of Alabama in the Military or Naval service of the Confederate States," approved Dec. 8, 1863.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled, "An Act to provide for paying for medicines furnished to indigent families of soldiers from the State of Alabama in the military or naval service of the Confederate States," approved December 8th, 1863, be and the same is hereby repealed.

Act repealed.

Approved December 9th, 1864.

No. 103.]

AN ACT

Declaring what Officers of this State are not liable to
Conscription.

WHEREAS the legislative power of the State of Alabama is, by the Constitution, vested in the General Assembly of the State; and whereas, the power to declare what State Officers are necessary for the proper administration of the State Government, and not liable to service in the army of the Confederate States, is a legislative power: therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That all State officers of the State of Alabama, civil and military, are hereby declared not subject to enrollment, conscription or service, in the army or navy of the Confederate States, except such officers as have been or may hereafter be declared subject to said service by the General Assembly.

State officers
not liable.

Approved December 13th, 1864.

No. 104.]

AN ACT

To exempt Millers from military service in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, necessary keepers of public grist mills shall be exempt from military service in this State; *Provided,* such keepers of mills shall not charge more than one-eighth toll for grinding.

Necessary
Millers ex-
empted.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act are hereby repealed.

Repealing
clause.

Approved December 13th, 1864.

No. 105.]

AN ACT

To authorize Commandants of first class Militia to grant exemptions.

Authority
extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the approval of this act, county commandants of the first class militia shall have power to grant exemptions from service in cases of urgent necessity, where such exemption will benefit the public.

Approved December 13th, 1864.

No. 106.]

AN ACT

To extend to the Southern Chancery Division the provisions of an act entitled, "An Act to regulate the Courts of the Middle Chancery Division during the existing war," approved November 19, 1863.

Comptroller
extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the provisions of an act entitled, "An Act to regulate the courts of the middle chancery division during the existing war," approved November 19, 1863, be and the same are extended hereby and made applicable to the courts of the Southern chancery division, except that the first section of said act shall not apply to the December term, 1864, of the court for the district composed of the counties of Monroe and Clarke.

Approved November 26th, 1864.

No. 107.]

AN ACT

To fix the pay of the Adjutant and Inspector-General of this State.

Comptroller to
draw his war-
rant for \$3000.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller be and he is hereby authorized to draw his warrant upon the Treasurer of the State of Alabama, in favor of H. P. Watson, Adjutant

and Inspector-General of the State of Alabama, for the sum of three thousand dollars, for services rendered for the year 1864, out of any money in the treasury not otherwise appropriated.

SEC. 2. Be it further enacted, That hereafter the salary of the Adjutant and Inspector-General shall be three thousand dollars per annum, and no more, to be paid out of any moneys in the treasury not otherwise appropriated, any law to the contrary notwithstanding. Pay fixed at \$3000 per annum.

Approved December 13th, 1864.

No. 108.]

AN ACT

To equalize the salaries of Clerks in the State and Executive Departments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in lieu of the salary now allowed the recording secretary of the Governor, he be paid the same salary as is paid to the clerks of the State Treasurer and Comptroller. Salary of the recording secretary of the Governor.

Approved November 25th, 1864.

No. 109.]

AN ACT

To regulate the salaries of the Executive Officers of the State and to increase the pay of the Public Printer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the salary of the Auditor of the treasury be increased fifty per cent. on the amount now allowed by law; *Provided,* that said increase of salary shall continue during the present war and no longer. Salary of the Auditor.

SEC. 2. Be it further enacted, That the fees now allowed by law for public printing be increased seventy-five per cent. Fees of public printer.

Approved December 13th, 1864.

No. 110.]

AN ACT

To equalize the salaries of certain Officers and Clerks
in the State and Executive Departments.

Salaries in-
creased of pri-
vate secretary
of Governor,
Reporter and
Marshal of Su-
preme Court,
and clerk in
Secretary of
State's office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the salary of the private secretary of the Governor shall be the same as that now allowed by law to the recording secretary and the clerks in the Comptroller's and Treasurer's office ; the salary of the reporter of the Supreme Court shall be twenty-five hundred dollars ; the salary of the marshal of the Supreme Court shall be two thousand dollars ; and the salary of the clerk in the office of the Secretary of State shall be one thousand dollars.

Approved December 13th, 1864.

No. 111.]

AN ACT

To authorize the court of County Commissioners of each
county to regulate the tolls of toll bridges and fer-
ries in their respective counties.

Authority
conferred to
regulate tolls.

Proviso.

Consent of a
majority of
the owners re-
quired in cer-
tain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the court of county commissioners of each county shall have authority to regulate and fix the rates of tolls on all toll bridges and ferries in their respective counties ; and, from time to time, alter the same, when in the judgment of said court the same shall be necessary and proper ; *Provided,* that nothing herein contained shall be so construed as to interfere with the chartered rights of the owners of any toll bridge or ferry in this State ; *Provided further,* that no alteration in the tolls of any chartered bridge or ferry shall be made by any court of county commissioners, except upon the application of the owner or a majority of the owners of such bridge or ferry.

Approved December 9th, 1864.

No. 112.]

AN ACT

To provide compensation for the County Commissioners of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county commissioners of this State shall be entitled to receive for their services an amount equal to their actual expenses, while actually engaged in the discharge of their duties, to be paid in the same manner as provided by law, except such commissioners as may elect to receive the fees now allowed by law.

Amount equal to actual expenses.

Approved December 9th, 1864.

No. 113.]

AN ACT

To authorize the Probate Judges to appoint general guardians for their respective counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judges of the probate court must appoint a suitable person general guardian within their respective counties, who must act as guardian for all minors in those cases where no other person applies, and no other suitable person is appointed by the court.

Appoint for minors in certain cases.

SEC. 2. *Be it further enacted,* That the general guardian of a county must give bond, with at least two good and sufficient securities, in an amount to be prescribed by the judge of probate, and conditioned faithfully to perform all the duties required of him by law as such guardian, during the time he acts; which bond must be approved by such judge, and such judge is liable for taking insufficient bond, as is prescribed by section 1692 of the code.

General guardian to give bond.

SEC. 3. *Be it further enacted,* That the provisions of the code, part 2, title 5, chapter 3, and the law of guardian and ward, so far as the same is applicable, applies to this case.

Certain provisions of the code applied.

SEC. 4. *Be it further enacted,* That the probate court of each county shall have power to remove such general guardian, or the general administrator of the county, for any of the causes mentioned in the code as ground for the removal of an executor, administrator, or guardian.

Power to remove said guardian.

Approved December 13th, 1864.

No. 114.]

AN ACT

To confer jurisdiction on the Probate Courts of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when a share or shares of real or personal property of an estate of any testator, or intestate, in this State is, or are set apart or distributed to any widow, heir at law, or distributee of such testator or intestate, and it shall appear to the satisfaction of the probate court that it is, to the parties interested in the estate of such testator or intestate, that said share or shares should be kept and worked together with the estate of said testator or intestate, remaining undivided, the said judge is authorized to grant his order to the representative or representatives of such testator or intestate to keep and work together such share or shares with the estate remaining undivided as aforesaid, for a term not exceeding ten years; *Provided,* no order shall be granted conflicting with the last will and testament of such testator; and such order shall not be granted unless application is made to said court by such representative or representatives and the owner of the share or shares set apart and distributed aforesaid.

In what cases.

Judge may order the shares to be kept together.

Proviso.

No order to conflict with the Will.

What is required of the representative.

Sec. 2. *Be it further enacted,* That said representative or representatives shall pay, at the end of each year the said estate is kept together, to such owner of such share or shares, a proportionate share of the proceeds and profits arising from the estate so worked and kept together under an order of the court aforesaid, and such representative or representatives shall be allowed a credit in the settlement of his or their accounts for such payment.

Decree to be rendered against him in a certain failure.

Sec. 3. *Be it further enacted,* That if, in the settlement of such accounts, it shall appear that said representative or representatives has or have not paid to the owner of such share or shares the portion of such proceeds or profits to which he or she is justly entitled, said court may enter up a decree against such representative or representatives in favor of such owner for the balance due and unpaid.

Approved December 10th, 1864.

No. 115.]

AN ACT

To extend the powers of Probate Judges in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever any executor or administrator has kept an estate together under an order of the probate court for ten years, the time may be extended annually upon application and good cause shown, and the said judges are of opinion that the interest of said estates demand such extension. Time may be extended in certain cases.

Approved December 7th, 1864.

No. 116.]

AN ACT

For the protection of Executors, Administrators, Guardians and Trustees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if upon any settlement made in any court of this State by an executor, administrator, guardian or trustee, it shall appear that the assets with which he is chargeable consist of treasury notes of this State or of the Confederate States, or any of the securities of this State or of the Confederate States, received by him in pursuance of laws of this State, he shall only be accountable for such assets as he actually received, and the decree against him shall specify what description of assets he is chargeable with, and may be satisfied by the payment of the decree with such assets, either to the parties entitled to the same, or to the probate judge, clerk or register, as the case may be, and the payment or tender of payment shall be a satisfaction of said decree. In cases where the assets are in treasury notes, etc.

SEC. 2. *Be it further enacted,* That it shall be the duty of the probate judge, clerk or register, as the case may be, of the court in which the settlement is made, to receive payment in the manner specified in the first section of this act, when offered, and to account to the parties entitled to the assets received for the same, and on failure to do either he shall be guilty of a misdemeanor, and on conviction thereof shall be fined in such a sum to be accountable as he received them. How the court is to receive payment. Penalty for failure to do.

and imprisoned in the county jail for such a period the jury trying the case by their verdict impose.

Liabls on their
bonds.

SEC. 3. Be it further enacted, That when any asset shall be received by any probate judge, clerk or register, under the provisions of this act, he and his securities on his official bond shall be liable therefor to the parties entitled thereto, in the same manner and to the same extent, as is now provided by law in case of the receipt of money by probate judges.

Compensation
of the officers.

SEC. 4. Be it further enacted, That for receiving assets under the provisions of this act, the probate judge, clerk or register, receiving the same, shall be entitled to the same compensation, to be paid in the same manner, as is provided by an act entitled, "An Act to provide compensation to judges of probate in certain cases," approved November 30, 1863, and shall not be bound to receive the assets offered in payment unless payment of such compensation is offered by the party making the settlement.

Compensation
must be paid.

Approved December 3d, 1864.

No. 117]

AN ACT

To authorize Executors to sell property for State or Confederate Treasury Notes in certain cases.

Authority
conferred.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases where a power to sell property is given by any will, which has heretofore been or shall be hereafter, admitted to probate in this State, the executor named in the will, or an administrator with the will annexed, may sell the property, or any part thereof for treasury notes of this State or of the Confederate States, unless the will especially requires the sale to be made for something else, or upon some other terms; and no executor, or administrator with the will annexed shall be liable to any person interested in such will, for anything more than the treasury notes or their value.

Not liable for
anything more

Approved December 9th, 1864.

No. 118.]

AN ACT

To authorize Guardians, Executors and Administrators, to sell State and Confederate Bonds upon orders of Judges of Probate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the second section of the act, approved 7th October, 1864, "for the relief of executors, administrators, guardians and trustees," be and the same is hereby repealed, and the following be substituted in lieu thereof as the second section of said act. What section repealed.

SEC. 2. *Be it further enacted,* That the judges of probate shall have power upon the application of any executor, administrator, or guardian, who holds as assets any bond or bonds of this State or of the Confederate States, or any four per cent. or six per cent. certificates of the Confederate States, or any other public security, to order the sale of such bonds or certificates, or other public securities, either at public or private sale, and to prescribe what notice of the sale shall be given when ordered to be public: and whenever any sale shall be made under any such order, it shall be the duty of the party making it, to make a report of it to the court ordering it within twenty days after making it, and the court may confirm or set aside the sale, as he deems best for the interest of the estate. Authority conferred.
Issue order to sell.

Approved December 10th, 1864.

No. 119.]

AN ACT

To amend section 352 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That each of the trustees of the University of Alabama (including those who are trustees *ex-officio*), shall be allowed a sum sufficient to defray his expenses in making his official visitations to said University and discharging his proper duties relating thereto, to be paid out of the University fund and income, on his certificate. Trustees of University to be allowed actual expenses.
How paid.

Approved December 12th, 1864,

No. 120.]

AN ACT

To amend section 857 of the Code and for other purposes.

How section is
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That sub-division 1, of section 857 of the code of Alabama, be and the same is hereby amended by adding thereto the following words:—Or in which a justice of the peace could lawfully administer an oath and receive the same fee therefor.

Approved November 29th, 1864.

No. 121.]

AN ACT

To repeal section 1013 of the Code of Alabama in certain counties.

What counties

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1013 of the code of Alabama, be and the same is hereby repealed so far as it relates to the counties of Marengo, Lowndes, Tallapoosa, and Russell.

Approved December 13th, 1864.

No. 122.]

AN ACT

To amend section 1023 of the Code.

Judge of Pro-
bate added.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1023 of the code be so amended as, after the words "justice of the peace," to read "or judge of probate."

Approved November 29th, 1864.

No. 123.]

AN ACT

To limit and construe an act approved 30th Jan'y, 1860, entitled, "An Act to construe section 1738 of the Code," and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act, approved January 30, 1860, entitled, "An Act to construe section 1738 of the code," shall be held and construed to apply to real estate, only in cases where the estate of the decedant is insolvent, and it becomes necessary to sell the real estate for the payment of debts. Only in insolvent estates.

SEC. 2. Be it further enacted, That in cases where the widow or widow and children are entitled to five hundred dollars worth of land, under said section, the judge of probate court may appoint three appraisers who shall, after being duly sworn, proceed to lay off and set apart said land in accordance with said section, and make due return thereof in a reasonable time to said court; and if the real estate cannot be divided so as to set apart five hundred dollars worth thereof, under said section, and the commissioners shall so report, the probate court shall order that the executor, or administrator of the estate, shall sell the real estate, and pay to the widow, or widow and children, or child or children, five hundred dollars of the proceeds of sale. In a certain case Judge may appoint three appraisers.

Approved December 9th, 1864.

No. 124.]

AN ACT

. To amend section 1942 of the Code of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the words "brother and sister," wherever they appear in section 1942 of the code of Alabama, shall hereafter be held to include brother and sister of the half blood as well as of the whole blood. Of the half blood.

Approved December 13th, 1864.

No. 125.]

AN ACT

To amend section 2526 of the Code.

Additional to
said section.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 2526 of the code be, and the same is hereby amended, by adding thereto the following words:—And if no levy, or an insufficient levy, shall be made before the return day of the attachment, the court to which the attachment is returnable shall, upon the application of the plaintiff or his attorney, direct the clerk of the court to issue *alias* or *pluries* attachments until a sufficient levy be made to satisfy the plaintiff's demand.

Approved November 29th, 1864.

No. 126.]

AN ACT

To amend section 2679 of the Code of Alabama.

Part stricken
out.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 2679 of the code of Alabama be, and the same is hereby amended by striking out, from the fifth line, the words "a particular description of the lands to be divided."

Not to publish
a description.

SEC. 2. Be it further enacted, That the judge of probate shall not be required to publish a description of property, when the object is only to divide property between heirs or joint owners by the commissioners; and that all laws, or parts of laws, requiring such publication be, and the same are hereby repealed.

Approved November 26th, 1864.

No. 127.]

AN ACT

To repeal section 3536 of the Code of Alabama and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3536 of the code of Alabama be, Section re- and the same is hereby repealed, and the following words pealed. substituted for that section, to-wit:—It shall be the duty of the clerk of the circuit court, when an indictment is returned into court by the grand jury, to enter on the minutes of the court a brief statement of the nature of Substitute. the indictment and the finding of the jury, and if the entry of such finding is omitted at the proper time, it shall and may be lawful for the court, at any subsequent time, on examination into the verity of the indictment and its return, to have the proper entry made *nunc pro tunc*.

Approved December 12th, 1864.

No. 128.]

AN ACT

To regulate the distillation of grain in this State, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That all laws and parts of laws now in force in this State, authorizing the distillation of grain, or the product of grain, be and the same are hereby repealed, Former acts repealed. except for all purposes of trial and conviction for offense Exception. committed against the same prior to the time this act shall take effect.

SEC. 2. Be it further enacted, That it shall not hereafter be lawful for any person or persons to distill or convert into alcoholic or spirituous liquors, any Indian corn, Unlawful to distill corn or wheat. or the product of any Indian corn or wheat: and any person who shall be guilty of a violation of the provisions of this section, shall be guilty of a misdemeanor, and

Penalty for
distilling either.

on conviction thereof, shall be fined in a sum of not less than five thousand, nor more than fifty thousand dollars, and imprisoned in the county jail not less than one month nor more than twelve months, one or both, at the discretion of the jury trying the same.

What may be
distilled.

License necessary.

To whom application must
be made.

SEC. 3. Be it further enacted, That before it shall be lawful for any person or persons to distill any grain or the product of grain, or the seed or juice of Sorghum, or Chinese cane, or African cane, or molasses or Cuba cane, or any other thing or substance, or to distill fruit of any kind, such person or persons shall obtain from the court of county commissioners of the county in which such distillation or manufacture of spirituous liquors is proposed, a license authorizing the same, and shall for such license pay to the judge of probate, to be by him paid into the treasury of the State, one hundred dollars for each still intended to be used of the capacity of forty gallons or less, and in that proportion for stills of greater capacity.

Written application necessary.

Oath to be
taken.

SEC. 4. Be it further enacted, That before any judge of probate shall grant a license, he shall require the party or parties applying for the same to file a written application setting forth the locality of the distillery and the capacity of the still or stills to be used, and also the name or names of all the parties directly or indirectly interested. Such person or persons so applying for a license shall also be required to take and subscribe an oath in writing in the form following, to wit: "—, having this day applied to the Judge of the Probate Court of— county for a license to distill grain or its product or the seed or the juice of Sorghum or Chinese cane, or African cane, as well as fruit of any kind, under the provisions of an act entitled "an act to regulate the distillation of grain in this State and for other purposes," approved 13th day of December, 1864, do solemnly swear that — will comply with all the provisions of said act; and that the facts set forth in — application are correct and true; — further swear that — will not increase the power of distillation stated in said application, either by adding to the number or capacity of still (or stills) proposed to be employed, nor permit any person or persons to become interested with —, either directly or indirectly, without first obtaining a new license from the proper authority, and that — will not distill or permit to be distilled by any one in — employment, any Indian corn or wheat or the product thereof, so help — God," which affidavit shall be filed in the office of the judge of probate.

SEC. 5. Be it further enacted, That before any person or persons shall obtain a license under this act, such person or persons shall be required to enter into bond with two or more good securities, citizens of the county, to be approved by the judge of probate, in the penal sum of five thousand dollars for each still proposed to be used of the capacity of forty gallons or less, and in that proportion if the still or stills to be used, be of greater capacity, conditioned that he or they will faithfully perform all the duties required of him (or them) by this act, which bond shall be signed by each of the parties obtaining the license, and shall be filed in the office of the judge of probate; and the principal and securities on any bond given to procure a license to distill under this act, shall be liable on their said bond, for any violation of the laws of this State as to retailing, and suit may be brought on such bond in the name of the county, before any court of competent jurisdiction; and the amount recovered shall be paid into the county treasury; and the solicitors of the several circuits shall institute and conduct such suits.

Bond to be given.

Liability of principal and securities.

SEC. 6. Be it further enacted. That it shall be the duty of the judge of probate of any county in this State, under authority from the court of county commissioners of such county, whenever any application shall be made for a license to distill under this act, and the party (or parties) applying for the same shall have complied with the provisions of the preceding sections to grant such license for one year and no more, which license shall describe the location of the distillery or the place where the distillation is to be conducted, and shall also express the distilling power, which the party (or parties) to whom the license may be issued is authorized to employ: and the location designated in the license shall not be changed without the permission be first obtained from the court of county commissioners.

Probate Judge to grant license.

What the license shall describe.

SEC. 7. Be it further enacted, That from and after the passage of this act, there shall be assessed and collected a tax of ten dollars on each gallon of alcoholic or spirituous liquors made within the limits of this State, from grain or the product of grain of any kind, or the seed or the juice of Sorghum, or Chinese cane, or African cane, or molasses or Cuba cane, or any other cane, or any other thing or substance, and also a tax of five dollars per gallon on each and every gallon of spirituous liquor distilled from fruit of any kind, which assessment shall be made monthly by the tax assessors in this State, in their respective

Tax of ten dollars per gallon

On ~~the~~ distilled from fruits five dollars.

Prompt re-
turns to be
made monthly

Probate Judge
to furnish
statement to
tax collector.

counties, and prompt returns thereof shall be made to the judge of probate, who shall report the same, without unnecessary delay to the Comptroller of public accounts. The judge of probate shall also furnish to the tax collector of his county a list or statement of the tax so assessed, who shall collect said tax within thirty days after the list or statement is so furnished, and all moneys collected by any tax collector in the State under this act, shall be reported by him to the Comptroller of Public Accounts, and shall be paid into the treasury of the State at the time provided by law for the payment of other taxes or upon the warrant of the Comptroller of Public Accounts, drawn in favor of the judge of probate, as part of the distributive share of each county of the fund appropriated by this act.

Duty of per-
son obtaining
license as to
monthly state-
ment.

Penalty for
failure to
make return.

Proceedings
when tax col-
lector is un-
able to collect
the tax.

SEC. 8. Be it further enacted, That it shall be the duty of any and all persons obtaining a license under this act, to furnish, monthly, to the tax assessor of the county, a written statement of the quantity and kind of alcoholic or spirituous liquor made during the preceding month; and, also, to embrace in said statement the quantity and kind of grain or its product, and the quantity and kind of seed or juice of the Sorghum or Chinese cane, or African cane, or molasses or Cuba cane, or any other thing or substance, together with the quantity and kind of fruit distilled in such month; which statement shall be supported by an affidavit, in writing, attached thereto; and in the event any person or persons obtaining a license under this act, shall fail to make the return herein required, the party so failing shall be liable to pay the tax herein imposed on ——— gallons per day, for each still embraced in the application of such party or parties of the capacity of forty gallons or less, and in that proportion for stills of greater capacity, and on that basis, the assessment for any month for which no return is rendered shall be made by the assessor; and in case of the inability of the tax collector to collect, or the failure of the party or parties to pay such assessment, an action shall be had against such person or persons, and his or their securities on the bond provided for by this act; suits may be instituted on said bond, from time to time, until the whole penalty is recovered.

Penalty for
false swearing
to get license.

SEC. 9. Be it further enacted, That any person or persons obtaining a license under this act, who shall swear falsely to obtain such license, or who shall knowingly make a false return of the quantity of liquor distilled

by him, or them, or who shall wilfully fail to make a return as required by this act, shall be liable to all the pains and penalties of perjury, and on conviction shall be punished as now provided by law in cases of perjury.

SEC. 10. Be it further enacted, That any person or persons who shall distil any grain or product of grain, or the seed or juice of Sorghum or Chinese cane, or African cane, or molasses or Cuba cane, or any other thing or substance, or fruit of any kind, without first obtaining a license as required by this act, shall be liable to indictment, and on conviction shall be fined in a sum not less than five thousand nor more than fifty thousand dollars, for the first offense, and on a second or any subsequent conviction, he or they shall be fined not less than five thousand nor more than fifty thousand dollars, and may be imprisoned in the penitentiary for the term of not less than one or more than three years, one or both, at the discretion of the jury trying the case.

Penalty for distilling without license.

SEC. 11. Be it further enacted, That the word "still," used in this act, shall include every description of apparatus by means of which alcoholic or spirituous liquors can be made.

Meaning of word "still."

SEC. 12. Be it further enacted, That if any person owning or having the possession or control of any premises where distilling is supposed to be carried on, shall refuse, upon the application of the sheriff of the county, or upon the application of any agent appointed by such sheriff, with written authority as such agent, to allow said sheriff or his agent to examine the premises, such person so refusing shall be deemed, *prima facie*, guilty of distilling grain or its product, or the seed or juice of Sorghum or Chinese cane, or African cane, or molasses or Cuba cane, or any other thing or substance, or fruit of some kind, in violation of the provisions of this act, and on conviction shall be liable to the pains and penalties inflicted by this act for such offense.

Proceedings when person refuses to allow sheriff or his agent to examine.

SEC. 13. Be it further enacted, That it shall be the duty of the judge of probate, in each county in this State, to furnish the commandant of the first class militia of his county, monthly, a list of the names of all persons to whom licenses have been granted to distil under this act; and the county commandants of the first class militia of this State shall be and are hereby required to perform all the duties now required of them by the 2nd section of an act entitled "An Act to suppress more effectually the distillation of grain," approved December 9th, 1863.

Duty devolving on the county commandants of first class militia.

Duty of first
class militia.

SEC. 14. Be it further enacted, That the better to insure the suppression of illegal distillation of grain, or any thing else prohibited by this act, it shall be the duty of the sheriff and tax assessor in their respective counties to perform all the duties required in the preceding section, to be performed by commandants of county reserves or first class militia, and to that end they shall be, and are hereby clothed with the same powers conferred upon county commandants, except as to arrests and seizures. When it shall become necessary for any sheriff or tax assessor to make any arrest or seizure under this act, he shall summon a *posse comitatus* as now provided by law to enable sheriffs to execute any process placed in their hands under the laws of this State. Lists of the names of licensed distillers shall be furnished by the judge of probate of each county, to the sheriff and tax assessor of each county.

Penalty for
failure to do
duty.

SEC. 15. Be it further enacted, That if any county commandant of the first class militia, or sheriff, or tax assessor in this State, shall fail or refuse to perform the duties required by the two preceding sections of this act, he shall be guilty of a misdemeanor, and upon indictment and conviction shall be subject to a fine of not less than one nor more than five thousand dollars, at the discretion of the jury trying the case.

Bond of tax
collector to be
increased in
certain cases.

SEC. 16. Be it further enacted, That if in any county in this State, the court of county commissioners shall deem the bond of the tax collector of such county insufficient to protect the State against loss in view of the increased revenue under this act, in such case the tax collector shall be required to execute a new additional bond, with good security, to be approved by the judge of probate, conditioned as now required by law.

Compensation
or commission
for assessing
and collecting
this tax.

SEC. 17. Be it further enacted, That the compensation or commissions for the assessment and collection of the tax, under this act, shall be at the same rate now allowed by law to tax assessors and tax collectors of this State.

Fees of Soli-
citors.

SEC. 18. Be it further enacted, That for each conviction had upon this act, in cases of indictment for distilling without license, the Attorney-General or Solicitors shall be entitled to five hundred dollars, to be paid as other fees in criminal cases.

Liquors
brought into
the State.

SEC. 19. Be it further enacted, That it shall be unlawful for any person or persons to sell any spirituous liquor which may be imported into this State, without first obtaining a license of the judge of probate in the county.

in which the liquor is to be sold, and at the same time paying to said judge of probate ten dollars per gallon on each gallon of liquor which the license may authorize to be sold; and any person or persons who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not less than one thousand nor more than twenty thousand dollars, and may be imprisoned in the county jail for a term not less than six months, at the discretion of the jury trying the same.

Tax to be paid
when license
is obtained to
sell.

SEC. 20. Be it further enacted, That it shall be the duty of any judge of probate, who shall receive any money under the provisions of this act, to pay the same into the State treasury under the same rules, regulations, and penalties, as are now imposed by law in reference to licenses and other funds collected by virtue of his office.

Probate Judge
to pay into
State treasury

SEC. 21. Be it further enacted, That this act shall take effect on the first day of January, 1865, and that it shall be the duty of the Governor to have the same be published once in every county in this State in which a newspaper is published.

When act
takes effect.
To be publish-
ed.

Approved December 13th, 1864.

No. 129.]

AN ACT

To abolish the office of Commissioner and Draftsman in the Land Office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the office of commissioner of the land office and the office of draftsman of the land office be, and the same are hereby abolished, and the books, papers, and other things pertaining to said offices be turned over to the Secretary of State, to whom the district land officers shall report; and the Secretary of State shall perform all the necessary duties of the land officer, and for the matters imposed upon the Secretary of State his salary, or annual compensation, is hereby increased five hundred dollars.

Offices abol-
ished.

Duties devolv-
ed on Secre-
tary of State.
Salary increa-
sed.

Approved December 12th, 1864.

No. 130.]

AN ACT

To incorporate the Methodist Orphans Home of East Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Daniel Pratt, John P. Ralls, James G. L. Huey, Wm. B. S. Gilmer, Jack Thorington, John Moore, T. M. Williams, David Clopton, Wm. H. Chambers, Wm. Lowther, A. C. Mitchell, Wm. H. Ellison, H. N. McTycire, O. R. Blue, T. Moody, B. B. Ross, C. D. Oliver, Wm. A. McCarty, D. M. Hudson, Wm. M. Motley, and W. K. Norton, and their successors, be, and the same are hereby constituted a body politic and corporate, to be known by the name and style of "The Methodist Orphans Home of East Alabama;" and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded as natural persons; make, seal, deliver and receive titles to property, both real and personal; may receive donations, bequests and devises of real and personal property, choses in action and money, and do such other acts as bodies corporate may do and perform needful or necessary to the establishment, perpetuity, and prosperity of said orphans home; and they may have and use a seal, with such device or devices as they may deem meet, and the same alter or revoke at pleasure.

SEC. 2. *Be it further enacted,* That the persons named in the first section of this act, shall constitute the board of trustees of said body corporate, and shall have power to elect, from their own body, a president, vice-president, secretary, and treasurer, and such other officers as they may deem necessary to a proper organization and management of the trust herein confided, and assign to each their respective duties; they shall also have power to adopt their own bye-laws for the government of said orphans home, and to alter and amend the same at pleasure; *Provided,* the same be not inconsistent with the constitution and laws of the State of Alabama; they shall also have power to fill all vacancies which may occur in the board by death, resignation, or otherwise.

SEC. 3. *Be it further enacted,* That said board shall further have power to elect and employ a superintendent, tutors, teachers, matrons, and other officers and agents as they may think proper, and fix their salaries,

with such powers and duties, severally and collectively, as said board may prescribe or allow; nine of said board of trustees shall be a quorum to do business, and shall have power to do whatever is necessary to carry out the purposes and objects of said orphans home.

SEC. 4. Be it further enacted, That said board shall have authority to elect or appoint an executive committee of such number of members as they may deem expedient, to transact all the business of the board between the time of its regular meetings. Executive committee.

SEC. 5. Be it further enacted, That no misnomer or misdescription of said corporation in any will, deed of gift, grant, or other instrument of conveyance or contract, shall in anywise defeat or vitiate the same, but the same shall take effect in like manner as if said corporation were rightfully named. Effect of misnomer.

SEC. 6. Be it further enacted, That said orphans home may be located at such place in Alabama as said board of trustees may select and order, and said location may be changed whenever the board shall deem any other place more suitable, and in making titles to real property under order of the board of trustees, the same shall be signed by the president and countersigned by the secretary; and said board of trustees may and shall have power to receive from any person or persons, or corporations, any property, real, personal or mixed, not to exceed one million of dollars in specie or its equivalent, by gift, bequest, or otherwise; and shall have power to dispose of, sell, convey, or exchange the same at pleasure, and to invest their funds in any stocks, or any thing in which any individual might invest his own funds; and all the property of said corporation, of whatsoever kind the same may be, shall be forever exempt from taxation. Location of Orphans home.

SEC. 7. Be it further enacted, That this act shall be deemed and considered in law a public act, and shall be judicially taken notice of without being specially pleaded. Powers.

Approved December 12th, 1864.

No. 131.]

AN ACT

To incorporate the Orphans Home Association of the Baptists of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas H. Watts, J. G. Shorter, J. L. M. Curry, R. Holman, A. T. Spalding, C. E. Thames, W. N. Wyatt, E. A. Blunt, W. M. Smith, J. E. Bell, L. B. Lane, J. E. Prestridge, F. L. Johnson, C. C. Huckabee, B. Manly, sr., Nathan Carpenter, L. M. Stone, J. H. Brown, Wm. Howard, J. T. Foster, James Nunn, Rufus Figh, L. W. Lawler, J. A. Hill, T. P. Miller, P. H. Lundy, W. B. Haralson, J. T. S. Park, I. T. Tichenor, W. W. Waller, S. Henderson, A. J. Battle, J. M. Newman, D. M. Seals, P. M. Callaway, J. Faulkner, W. T. Hatchett, Rob't H. Ervin, J. R. Hawthorn, E. Bell, G. L. Lee, Andrew Jay, Alonzo Haralson, W. M. Ritchie, Jonathan Haralson, L. B. Parker, C. M. Manly, J. B. Hawthorn, B. B. Davis, W. H. McIntosh, S. R. Freeman, B. S. Callaghan, B. A. Blakey, W. S. Jackson, A. B. Fannin, W. Wilkes, H. W. Watson, B. Freeman, C. A. Stanton, W. P. Chilton, A. Williams, J. S. Paullin, C. Parker, A. J. Coleman, A. B. Goodhue, and their successors, and such other persons as they may hereafter associate with them, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Orphans Home Association of the Baptists of Alabama," and by that name may sue and be sued in any court of law or equity.

Names of Incorporators.

Name of Corporation.

Object of Association. **SEC. 2.** Be it further enacted, That the great object of said orphans home association shall be to rear and educate intellectually, morally, and physically, all destitute and dependent orphans in the State, especially the destitute orphans of soldiers who have died, or may die, in the defense of the country.

Association may receive etc. **SEC. 3.** Be it further enacted, That to enable said orphans home association to carry into full force and effect the grand design thereof, said association may receive, for the purpose aforesaid, all moneys or assets and property, real, personal, or mixed, which, before the passage of this act, may have been received by donation or otherwise, by the association known as "The Orphans Asylum for the State of Alabama," whereof Thomas H. Watts is president; and said association is hereby authorized to merge its existence, and all its moneys, as-

sets, choses in action, and property, real, personal, or mixed, in this corporation. And the said orphans home association, hereby incorporated, may purchase and hold any property, real or personal, which may be necessary for the proper use and purpose of said institution, and may and shall have power to receive from any person or persons, or corporation, any property, real or personal, by gift, bequest, or otherwise; and shall have power to sell, convey, exchange, or otherwise dispose of the same at pleasure, and to invest their funds in any stocks, or bonds, or anything in which any individual might invest his own funds. *Provided*, the capital stock of said association shall not exceed one million of dollars in specie, or its equivalent, which shall be free from taxation.

Further powers.

Capital.

SEC. 4. Be it further enacted, That, after the passage of this act, said association may organize at such time and place as they may appoint; and they are hereby authorized to elect, or appoint, all such officers and agents as may be necessary to carry out the purposes of said association, and to adopt such constitution, by-laws, and regulations, as they may deem necessary for the proper government and management of the business of said institution, not inconsistent with the constitution and laws of this State; and may prescribe the number and duties of each of its officers, and fix their compensation.

When it may organize.

SEC. 5. Be it further enacted, That fifteen members of said association shall constitute a quorum for the transaction of any business. No person shall be eligible as a member of said association unless he is a member of a Baptist church, or person holding Baptist tenents.

Quorum.

SEC. 6. Be it further enacted, That said orphans home association shall have power and authority to elect, or appoint, an executive committee of such number of members as they may deem expedient, to transact all the business of the association between the times of its regular meetings.

Executive committee.

SEC. 7. Be it further enacted, That said orphans home association shall have power to receive the children of indigent disabled soldiers, and of any other indigent person, with the consent of the surviving parent, or guardian, or such other person as may have the legal control of such child; or, in cases where there is no surviving parent, guardian, or other person having the legal control of such child, with the consent of the nearest resident relative, under such rules and regulations as may be prescribed by said association, not inconsistent.

Beneficiaries of the association.

ent with the constitution and laws of this State ; and in accordance with such rules and regulations, said association shall have the right to hold and control the children so received, with a view to their maintenance, and their intellectual, moral, and physical education and training, and their instruction in some useful industrial art or employment.

Certain misdemeanors.

SEC. 8. Be it further enacted, That if any person or persons shall leave any child at said orphans home, without permission of the proper authorities of the same, or shall secretly leave, or cause to be left, or aid or abet in leaving any child, under two years of age, at said orphans home, such person or persons shall be guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, or both, at the discretion of the jury trying the case ; and any person or persons who shall unlawfully entice or carry away any child lawfully in possession of said orphans home association, or secrete such child after being enticed or carried away, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding two thousand dollars, and may be imprisoned in the county jail for any term not exceeding twelve months.

Penalty.

Effect of misnomer, etc.

SEC. 9. Be it further enacted, That the misnomer of said association in any gift, bequest, or conveyance, where the intention is manifest, shall not render the same void, but all such gifts, bequests, or conveyances, shall be as valid as if the name of the association were properly expressed.

Approved December 12th, 1864.

No. 132.]

AN ACT

To incorporate the Protestant Episcopal Church in the Diocese of Alabama, and enable said Church to provide for the orphans and widows of soldiers and other destitute persons.

Corporation created.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Right Reverend Richard H. Wilmer, Bishop of the Protestant Episcopal Church in the diocese of Alabama, and his successors in office, be and they are hereby created a corporation by the name of the Pro-

Protestant Episcopal Church in the diocese of Alabama, and Name.
by that name may sue and be sued, defend and be de-
fended, and exercise all the powers incident to such
religious corporations, and not inconsistent with the
constitution and laws of this State.

SEC. 2. Be it further enacted, That if there should be
a vacancy by death or otherwise in said office, such Vacancy not
cause a disso-
lution.
vacancy shall not cause the dissolution or lapse of said
corporation; but the standing committee of said church
shall be regarded as succeeding to said Bishop for the
purposes of this act until his successor shall be elected
and enter upon his office.

SEC. 3. Be it further enacted, That the said corpora-
tion may acquire money and real or personal estate, of What the cor-
poration may
acquire.
any description whatever, not exceeding one million of
dollars in specie or its equivalent, by gift, grant, devise,
bequest or purchase, for the use and benefit of said
church, or of the asylums hereafter provided for in said
diocese, and all such property shall be exempt from tax-
ation; and may dispose of the same by gift, conveyance
or otherwise, at the pleasure of said corporation.

SEC. 4. Be it further enacted, That said corporation
be and they are hereby empowered to establish in the May establish
an Asylum.
city of Tuscaloosa, and at such other place or places in
the State of Alabama, as they may deem proper, an asy-
lum or asylums, by such names as they may deem proper,
for the orphans and widows of soldiers, and for other
destitute persons, and for the support and maintenance,
education and training of such orphans, or other children,
and also for the support and maintenance of other desti-
tute persons.

SEC. 5. Be it further enacted, That the Bishop of said
diocese, for the time being, and if there be no Bishop, As to rules and
regulations.
the standing committee of said church, as the head of
said corporation, may make all such rules and regulations
for the government of such asylums, and appoint such
suitable agents and officers thereof as they may deem
proper, and for satisfactory reasons remove such agents,
and provide for the management and disposition of the
property of said corporation: and by the corporate
name may receive and dispose of any money, real estate
or other property; whatever, for the benefit of such
asylums.

SEC. 6. And be it further enacted, That all property,
real or personal, heretofore given or conveyed to any Certain prop-
erty shall vest
etc.
person for the benefit of the Protestant Episcopal Church

of the diocese of Alabama, or held in trust for the same, shall vest in the said corporation, as though given or conveyed thereto by its corporate name, and no devise, bequest, gift, grant, or conveyance heretofore made for the benefit of said church, or if any asylum such as contemplated by this act, or which shall hereafter be made for the use or benefit thereof, or of any asylum as herein contemplated in the city of Tuscaloosa, or elsewhere in this State, shall fail for want of a sufficient description, or of a competent person to take, or for any other reason whatever, but the same shall vest in said corporation by the name given by this act.

Approved December 12th, 1864.

No. 133.]

AN ACT

To incorporate "The Orphans Home of the Synod of Alabama."

Names of Incorporators.

Name of Corporation.

Tenure of office of the Corporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Whiting, Arthur M. Small, Thomas A. Hamilton, Charles A. Stillman, Jonathan Bliss, Robert B. White, Daniel Wheeler, James K. Hagen and William B. Bell, and their successors in office, to be chosen or appointed as hereinafter provided, be and they are hereby constituted a body corporate and politic, under the name and style of "The Orphans Home of the Synod of Alabama," and by that name shall have continual succession, and may sue and be sued, contract and be contracted with, and have and use a common seal, and may own and hold by gift, devise, bequest and purchase, real and personal estate, moneys, and choses in action to the value of not exceeding one million of dollars, and the same may sell, convey and re-invest.

SEC. 2. *Be it further enacted,* That the persons named in the first section of this act and their successors in office, shall hold their office at the pleasure of the synod of the Presbyterian church of Alabama, and they and their successors in office shall be subject to and governed by such rules or regulations, and bye-laws as may from time to time be prescribed or adopted for their government, by the synod of the Presbyterian church of Alabama, the said synod shall have power to enact and establish, and repeal and alter at pleasure all such rules.

regulations or bye-laws as they may deem proper for the government of said corporation, and the management of its affairs; *Provided* that such rules, regulations or bye-laws be not inconsistent with the purposes of said corporation, or contrary to the constitution or laws of this State or the Confederate States. Bye-laws, etc.

SEC. 3. Be it further enacted, That said synod shall have power to appoint such officers of said corporation as said synod may deem necessary and proper, and prescribe the duties of such officer or officers, and may also prescribe the tenure of office of the persons named in the first section of this act, and their successors, and may elect or appoint officers of said corporation annually or at such other periods as the said synod may ordain or determine, and may fill all vacancies which may occur, or provide the mode of filling such vacancies, and said synod shall have power at pleasure to increase or reduce the number of officers herein provided for. Synod may appoint the officers.

SEC. 4. Be it further enacted, That no misnomer or misdescription of said corporation in any will, deed, gift, grant, or other instrument of conveyance or contract shall in anywise defeat or vitiate the same, but the same shall take effect in like manner as if said corporation were rightfully named; and all the property of said corporation shall be exempted from taxation. As to effect of misnomer, etc.

SEC. 5. Be it further enacted, That the charter granted by this act, shall not fail or be forfeited by the failure or refusal of any person or persons to act as officers, or by failure to elect or appoint officers at the times or periods which may be prescribed for that purpose. Charter not to fail, etc.

Approved December 12th, 1864.

No. 134.]

AN ACT

To change the name of "The Montgomery Episcopal Female Orphan Asylum," situated in the city of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the charitable association in the city of Montgomery, chartered by the name of "The Montgomery Episcopal Female Orphan Asylum," shall be, and the same is hereby changed to the name of "Bishop Name changed

Cobbs' Orphan Home," and that by this name said corporation shall hereafter be known and called, and under the same shall have and enjoy all the privileges and immunities enjoyed under its former name and style.

Approved December 12th, 1864.

No. 135.]

AN ACT

To incorporate St. James Church School, in Livingston, Sumter County.

Preamble.

WHEREAS the Rector, Wardens and Vestrymen of St. James Church, Livingston, Sumter County, in the State of Alabama, have opened and commenced a School to be under the control of the Protestant Episcopal Church, subject to such rules and regulations and restrictions as are hereinafter set forth: And whereas the security of society, the supremacy of the law, the preservation of liberty regulated by law, the perpetuity of our institutions, the State and the Confederacy, are all, at least dependent upon the prevalence of intelligence among the citizens, and a sound moral sense among them: And whereas it is the interest of this State, and indeed of every State to encourage the erection of seminaries of learning: therefore,

Names of trustees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Amos D. McCoy, Rector: Stephen W. Murley and Thomas Cobbs, Wardens: A. M. Garber, L. F. Whitehead, H. Bardwell, J. James Lee, Stephen M. Potts and John T. Bragg, Vestrymen, and such other persons as may hereafter be appointed Trustees of said school, in pursuance of the constitution and bye-laws thereof, be, and they and their successors, are hereby constituted a body corporate and politic, in fact and in name, by the name of "St. James Church School;" and by that name shall have perpetual succession and a common seal; and shall be capable in law of suing and being sued, and shall have power to purchase, receive by donation or otherwise, and to possess, hold, alien and dispose of property of all kinds and descriptions, to be held in fee simple or otherwise, subject nevertheless to such

Name of school.

restrictions and conditions as are contained in this charter.

SEC. 2. Be it further enacted, That said trustees shall have power to assemble at such time and place as may be designated by the president of the board, for the purpose of organizing said institution, and of forming a constitution for the government of said school. Trustees may assemble, &c. A majority of said trustees shall constitute a quorum for such purpose. Said trustees shall have power in and by said constitution, to designate how, by whom, and in what way the said school shall be governed; and said constitution when adopted may be altered or amended in such manner as may be provided for in said constitution; said board shall keep a minute of their proceedings.

SEC. 3. Be it further enacted, That said board shall meet at least once a year at the school; but they may be called together in extra session in such manner as Meetings of Board. may be provided for in said constitution, or by the by-laws of said institution.

SEC. 4. Be it further enacted, That said trustees shall have power to appoint committees, all the members of which shall not be required to belong to the board of trustees to perform duties which may be delegated to them by said trustees. Appoint committees.

SEC. 5. Be it further enacted, That all subscriptions, donations, devises or bequests, made upon the faith of the terms, conditions, or stipulations set forth in the constitution of said school, shall be governed thereby, and How subscriptions, donations, &c. shall be governed. have the effect to alter the terms, conditions or stipulations of said subscription, donation, bequest or devise.

SEC. 6. Be it further enacted, That said trustees shall have for their president the Rector of St. James Church, Livingston; in case of vacancy of the rectorship, the Rector to be president. senior warden of said church shall act. The trustees shall have power from time to time, to make bye-laws and ordinances for the government of said school, not inconsistent with the constitution thereof, and for the appointment of head master, teachers and other officers, and for regulating the duties and conduct of the officers and students, fixing the salaries of officers, etc., etc.; *Provided* the same be not inconsistent with the laws of this State or of the Confederate States.

SEC. 7. Be it further enacted, That upon the death, resignation or removal of any of said trustees, the vacancy occasioned thereby, shall be supplied in the manner provided in the constitution. As to vacancies.

SEC. 8. Be it further enacted, That said school shall have full power to establish literary, scientific, agricultural and mechanical departments, and such other departments as said school may see proper, and to present a diploma or certificate to each student leaving the school, as their attainments may call for; and the school shall enjoy all other powers and immunities incident to corporations of this description.

SEC. 9. Be it further enacted, That said school shall be established and located at or near Livingston, Sumter County, which site shall continue until changed by the trustees according to the provisions of the constitution.

SEC. 10. Be it further enacted, That the said school may hold and possess as much land as may be necessary for the buildings and farm, not to exceed five thousand acres, one thousand acres of which, including buildings and other effects and property of said corporation, shall be exempt from taxation so long as said lands belong to said school.

SEC. 11. Be it further enacted, That no misnomer or wrong description of said corporation in any deed, will, gift, grant, devise or other instrument of contract or conveyance, shall abate or defeat the same, but that the same shall take effect in like manner as if the said corporation were regularly named; *Provided* it shall be sufficiently described to ascertain the intention of the parties.

SEC. 12. Be it further enacted, That this act be, and the same is hereby declared to be a public act.

SEC. 13. Be it further enacted, That this act shall take effect from and after its passage.

Approved December 13th, 1864.

No. 136.]

AN ACT

To incorporate the Samaritan Society of the Methodist Protestant Church.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Edmund Harrison, P. T. Graves, B. S. Bibb, S. E. Norton, E. C. Crenshaw, John Houser and R. W. Russell, are hereby constituted a body politic and corporate, to be known by the name and style of the Samaritan Society of the Methodist Protestant Church

of Alabama, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded as natural persons, make, seal, deliver and receive titles to property both real and personal; may receive donations, bequests and devises of real and personal property, choses in action and money, and do such other acts as bodies corporate may do and perform, needful or necessary to the establishment, perpetuity and prosperity of said Samaritan Society, and they may have and use a seal with such devise or devices as they may deem meet, and the same alter or revoke at pleasure. Powers.

SEC. 2. Be it further enacted, That the persons named in the first section of this act shall constitute the board of trustees of the funds of said society until their successors may be elected or appointed by the annual conference of the Methodist Protestant Church. Board of trustees.

SEC. 3. Be it further enacted, That no misnomer or misdescription of said corporation in any will, deed of gift, grant or other instrument of conveyance or contract, shall in anywise defeat or vitiate the same, but the same shall take effect in like manner as if said corporation was rightfully named. As to effect of misnomer, &c.

SEC. 4. Be it further enacted, That the funds belonging to the aforesaid Samaritan Society, shall be under the control of the annual conference of the Methodist Protestant Church, and the interest accruing on said funds shall be applied to the deficiencies of the itinerant ministers; *Provided* they have no other means of support; *And provided further*, that they have discharged their duties faithfully, and to aid in the support of superannuated ministers, and widows and children of deceased itinerant ministers. Funds to be under control of whom.

SEC. 5. Be it further enacted, That the capital of this corporation, consisting of real, personal or mixed property, or choses in action shall not exceed in value five hundred thousand dollars, and shall be exempt from taxation. Limit of capital.

Approved December 13th, 1864.

No. 137.]

AN ACT

To incorporate the annual Montgomery Conference of the Methodist Episcopal Church South.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Name of corporation.

convened, That the itinerant preachers of the Montgomery conference of the Methodist Episcopal church South, and their successors, be, and the same are hereby declared a body corporate, by the name and style of "The annual Montgomery Conference of the Methodist Episcopal church South," and as such may sue and be sued, and have perpetual succession.

Trustees, &c., to be elected annually.

SEC. 2. Be it further enacted, That at each annual conference of the preachers of the said church, there shall be elected, for the government of said corporation, by the members thereof, three trustees, a treasurer and secretary, who may, under the direction of said conference, make such rules and regulations, not inconsistent with the laws of this State, as they may think necessary.

Hold property amounting to \$500,000.

SEC. 3. Be it further enacted, That the said corporation may receive and hold real and personal property to the value of five hundred thousand dollars, to be employed under the direction of the said trustees for the advancement of the interest of religion and education, and for charitable purposes.

Record to be kept.

SEC. 4. Be it further enacted, That the said trustees shall cause a record to be made in a book kept for that purpose, of all the funds of the corporation and the disposition made thereof, which book shall be accessible at all times to any member of the Montgomery conference.

No gift, &c., to be lost by misnomer.

SEC. 5. Be it further enacted, That no gift, devise, or bequest, made to the said corporation, shall fail because of any mistake in the name or description thereof, if the intention of the donor, grantor, or deviser, can be ascertained by extrinsic proof.

Approved December 10th, 1864.



No. 138.]

AN ACT

To incorporate the Preachers' Aid Society of the annual Montgomery Conference of the Methodist Episcopal Church South.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Oliver R. Blue, William M. Motley, Lewis F. Donald, Mark S. Andrews, James W. Shores, Daniel M. Hudson, and their successors, be, and they are hereby declared a body corporate, by the name and style of "The Preachers' Aid Society of the annual Montgomery Conference of the Methodist Episcopal Church South," and as such shall have perpetual succession, may sue and be sued, and receive and hold real and personal property not exceeding in value the sum of two hundred thousand dollars, the proceeds or income thereof to be expended in aid of the sick and necessitous preachers and their families, of the said Montgomery conference.

Names of incorporators.

Name of corporation.

Amount of property.

How to be expended

SEC. 2. Be it further enacted, That for the management of the affairs of the said corporation, there shall be elected at each annual conference of the said church, by the members thereof, a president and six directors, who shall hold their offices for one year, and until their successors are elected.

President and directors.

SEC. 3. Be it further enacted, That the said president and directors, under the direction of said conference, may make such rules and regulations for the government of the said corporation as may be necessary, and appoint such agents and officers as they think proper; they shall keep and record in a book a list of the names of the members of said corporation, and of all the acts and proceedings, showing the amount of the capital of said corporation, the income derived therefrom each year, and the disposition made thereof, to which book any member of the said corporation shall have access.

Rules and regulations, &c.

SEC. 4. Be it further enacted, That no gift, devise, or bequest, made to the said corporation, shall fail because of any mistake in the name or description thereof, if the intention of the donor, grantor, or devisor, can be ascertained by extrinsic proof.

No gift or devise to be lost by misnomer.

Approved December 9th, 1864.

No. 139.]

AN ACT

To incorporate the Alabama Savings Bank at Montgomery.

Preamble. WHEREAS there exists a class of persons, who from their position and want of experience, are incapable of investing and accumulating their small incomes and earnings, and believing it to be desirable to encourage economical and provident habits in all classes, and more especially the young, the laboring and dependant, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That J. R. Powell, Josiah Morris, E. H. Motcalf, Joel White, William G. Farley, and their associates and successors in office, be and they are hereby constituted a body corporate, under the name and style of "The Alabama Savings Bank of Montgomery," and by that name shall be capable of suing and being sued, in any of the courts of this State, of purchasing, holding and conveying any and all kinds of property, that may be necessary to carry on their business, of making and issuing a common seal, and generally of doing any act necessary to carry into effect the object of the corporation, not inconsistent with the constitution and laws of this State. And said corporation are hereby authorized to receive money on deposit or interest, to issue certificates of deposit therefor, and to loan money at any rate of interest not exceeding eight per cent.

Names of incorporators.

Name of corporation.

Powers.

SEC. 2. Be it further enacted, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to five hundred thousand dollars; and said capital stock shall be a fund pledged for the security of the depositors, and in addition thereto, each individual stockholder shall be liable in a sum equal to his stock, over and above the amount thereof, for all liabilities of the corporation. And no transfer of stock shall discharge the stockholder from any existing liability.

Capital stock.

Liability of each stockholder.

SEC. 3. Be it further enacted, That said corporation may go into operation so soon as their capital stock is paid in, and not before; *Provided* that this charter shall only remain in force for thirty years, unless renewed by the General Assembly.

When to go into operation

Proviso: Limitation of charter.

Approved December 12th, 1864.

No. 140.]

AN ACT

To incorporate the Selma Savings Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William S. Knox, J. C. Prestridge, William M. Byrd, C. E. Thames, and W. M. Smith, or such of them and such others as shall become subscribers thereto, and their successors in office, be, and they are hereby created a body corporate by the name and style of "The Selma Savings Company," for the term of thirty years, to be located in the city of Selma; and by that name may sue and be sued in any court of law or equity.

Names of incorporators.

Name of corporation.

SEC. 2. Be it further enacted, That the objects and duties of said company shall be to receive and deposit for safe keeping the earnings and savings of working people and others, to give to said depositors receipts or vouchers for said deposits, to pay to said depositors interest on said deposits not above legal rates, as may be agreed on with the depositors, or as may be provided for in the bye-laws in the absence of special agreements, and to repay the principal to the several depositors on their call, order or check, or on the surrender of receipts or other vouchers.

Objects and duties.

SEC. 3. Be it further enacted, That in order to enable the company to pay interest to the depositors, and to pay the necessary expenses of the company as well as to compensate its members and subscribers for the use of the common stock, the company shall have power to loan its surplus funds on securities, to discount and purchase promissory notes and bills of exchange, and to use their funds in any manner a private individual may lawfully do.

Have power to loan.

SEC. 4. Be it further enacted, That said company may have a common seal, and may alter and change the same; it may acquire and hold, as a corporation, real estate sufficient for its own use and purposes, and such real estate as may be acquired in the way of security, or by legal collection of its dues.

Powers.

SEC. 5. Be it further enacted, That the business of said company shall be managed by five or more trustees to be elected by the subscribers to the common stock, to be elected annually, one of whom shall be elected and act as president, and the trustees shall appoint one person to act as secretary and treasurer, with compensation to be fixed by the trustees.

Number of trustees.

Bye-laws and regulations.

SEC. 6. Be it further enacted, That the trustees of said company shall frame and adopt bye-laws and regulations for the government of the company, for the management of its business, for the transfer of stock, for the loan and collection of its surplus funds, and for such other business as may be proper, and not inconsistent with the constitution and laws of this State and the Confederate States.

When to go into operation

SEC. 7. Be it further enacted, That this company shall not go into operation until the sum of fifty thousand dollars is subscribed in capital stock, and the sum of ten thousand dollars thereof is actually paid in.

Liability of stockholders.

SEC. 8. Be it further enacted, That each stockholder shall be liable individually for the debts, contracts and obligations of said company, (over and above this stock) to an amount equal to the amount subscribed by him as capital stock, and such liability shall continue for six months after the transfer of said stock, against the party transferring or selling stock, and the person purchasing stock shall be liable in like manner from the date of his purchase.

Approved December 10th, 1864.

No. 111.]

AN ACT

To incorporate the Chemical Manufacturing Medical Association of Alabama.

Names of incorporators.

Name of corporation.

Powers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That C. H. Franklin, J. B. Steed, J. G. Moore, and such other persons as are or may be associated with them, are hereby constituted a body corporate, with power of continual succession to them, their heirs, and assigns, under the name and style of "The Chemical Manufacturing Medical Association of Alabama," with power to sue, be sued, contract, be contracted with ; to hold, alien, and convey ; buy, receive real and personal estate of all kinds ; to have and use a common seal, the same to alter or change at will ; to make and execute contracts, promissory notes, drafts, bills of exchange, and other obligations, under seal or not under seal ; all of which shall bind the property and all interest of the corporation.

SEC. 2. Be it further enacted, That said corporation shall have the power to establish their principal works Further power. wherever they choose, and such branches of their business as may by them be thought necessary; to ordain and establish such by-laws, rules, and regulations, for the conduct and government of its officers and agents, not inconsistent with the laws and constitution of the State of Alabama and Confederate States, as they may choose.

SEC. 3. Be it further enacted, That the capital stock of said corporation shall be one hundred thousand dollars, with the right to increase to five hundred thousand dollars, to be divided into such shares as they may choose. Capital stock.

SEC. 4. Be it further enacted, That the liability of the stockholder shall be to an amount equal to the amount of stock held by him, for any debts or liabilities created during the time he was a holder of said stock. Liability of stockholders.

SEC. 5. Be it further enacted, That said corporation shall have the power, or right, to manufacture or make; What to manufacture. oil-ethers, chloroform-tinctures, essences, alkaloids, salts, dye-stuffs, extracts, perfumes, cordials, syrups, bitters, all mineral and vegetable-simples and compounds, and such other articles necessary to and connected with a general drug business and chemical laboratory; to import, export, barter, sell, or exchange, articles of their manufacture and preparation. *Provided*, that nothing contained in this act shall authorize the company, hereby incorporated, to distil corn or wheat. Provide: not to distil corn or wheat.

SEC. 6. Be it further enacted, Said charter to continue and be in force for twenty years.

Approved December 13th, 1864.

No. 142.]

AN ACT

To incorporate the Talladega Sulphur Springs Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Wm. L. Lanier, Jno. J. Seibles, Wm. Bulger, James Berney, and Marion A. Baldwin, together with Names of incorporators. such other persons as now are, or may be hereafter associated with them for the purposes hereinafter expressed, are hereby constituted a body corporate, with power

Powers.	to sue and be sued, plead and be impleaded, contract and be contracted with, to hold, alien and convey, buy and acquire lands, tenements, furniture and personal property, generally; to have and use a common seal, and the same to change or alter at their pleasure; to make and execute contracts, promissory notes, drafts, bills of exchange, mortgages, bonds, and other obligations, under seal and not under seal, and with or without their corporate seal—all of which shall bind the property, and all the interests of said corporation.
Name of corporation.	SEC. 2. Be it further enacted, That said corporation shall be known by the name of "The Talladega Sulphur Springs Company," and in that name may sue, and be sued, in any court of law or equity in this State; hold and enjoy property, real or personal, and sell and convey the same at pleasure, in the same manner, and to the same extent as is usual to corporations of like character, kind or description, in any amount the corporate body may deem necessary to carry out the objects of said corporation: <i>Provided</i> , that the capital stock of said company shall not exceed the sum of five hundred thousand dollars, and said corporation shall be limited to the period of twenty years.
Further powers.	
Other powers.	SEC. 3. Be it further enacted, That said corporate body shall have power to authorize the establishment of hotels, restaurants, or other houses of entertainment and amusement, for the accommodation of invalids and others visiting the sulphur springs: <i>Provided</i> , that no house of ill-fame, or gambling establishment, be allowed anywhere on said premises, or for five miles round from the springs.
Proviso.	
Bye-laws, rules and regulations.	SEC. 4. Be it further enacted, That said corporate body shall have power to ordain and establish such bye-laws, rules, and regulations, for the government and control of its officers and agents, not inconsistent with the constitution and laws of this State and the Confederate States, as it shall deem appropriate to the proper management of its business.
What capital stock consists of.	SEC. 5. Be it further enacted, That the capital stock of said company may consist of the property, real and personal, in Talladega county, now held by the three first parties named in the first section of this act, situated in the south-west corner of Talladega county, about ten miles from the Coosa station, on the Alabama and Tennessee rivers railroad, consisting of two hundred and seventy-five acres of land, more or less, including the sulphur and other springs thereon; and also all the

tenements, furniture, and other personal property now on the premises : and said stock may be valued by said company at any sum not exceeding three hundred thousand dollars, as the directors may determine, to be divided into shares of five thousand dollars each : and each share shall entitle the original subscriber to sixty days board for himself, or thirty days board for himself and wife.

SEC. 5. Be it further enacted, That the board of directors shall consist of not less than three persons, who may elect a president from their number, and such other officers as they may deem necessary to carry on their business, who shall hold their offices for twelve months, and until their successors shall be appointed ; and in case of the death or resignation of a member, the surviving members, or a majority of them, may fill the vacancy.

SEC. 7. Be it further enacted, That each stockholder in said company shall be individually liable (over and above his stock) for the debts and liabilities of said company, to an amount equal to the stock owned by him, which liability shall be for all such debts and liabilities as are created, or shall accrue, during the time he shall be a stockholder, and each successive stockholder shall be in like manner bound.

Approved December 13th, 1864.

No. 143.]

AN ACT

To incorporate the Pioneer Express Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George Robertson, George Whitfield, Thomas S. Tate, jr., Luke J. Whitfield, N. E. Goodwin, C. S. Williams, W. M. Pepper, and their associates, successors and assigns, be, and are hereby created and declared to be a body corporate and politic, under the name and style of "The Pioneer Express Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity whatsoever, and may make, and have, and use a common seal, to be changed at pleasure.

Capital Stock. SEC. 2. Be it further enacted, That the capital stock of said company shall be one hundred thousand dollars, and be divided into shares of one hundred dollars each, and in case the said capital stock be found insufficient for its purposes, the said company may increase the capital stock, from time to time, as may seem fit, to such an amount as may be deemed necessary for the purpose aforesaid; but the said capital stock at no time to exceed one million dollars.

Powers. SEC. 3. Be it further enacted, The said corporation shall have power and authority to carry and convey, transport, or have carried, conveyed or transported, both by land and water, goods, wares, and merchandise of all kinds, gold and silver coin, bullion, treasury and bank notes, bonds, stocks, deeds, and other valuable papers, persons, slaves and corpses, and generally all such other descriptions of property, and do a general express business as may be required or advisable from, to, and between any place or places within the limits of the Confederate States of America, by their own conveyance, or those of other persons, and for such rates of charges as may be deemed expedient for the best interest of said express company, *Provided*, that said company shall at all times be liable for losses, damages, defaults and miscarriages, to the same extent as other common carriers in this State are liable; and whenever goods or other articles are forwarded by them on railroad or other conveyance not their own, they shall answer for the negligence, default, and miscarriage of such railroad or other conveyance, to the same extent as if they were the owners thereof.

Further powers. SEC. 4. Be it further enacted, That the said corporation shall be further authorized and empowered to collect for commission or otherwise, and remit or otherwise, make returns for notes, bills, drafts, claims, and demands of all kinds, C. O. D. bills, &c., &c.; and to employ all such officers, clerks, agents, and assistants of whatsoever kind, as may be thought necessary for carrying on the business of the said company, and at such stated salary or wages as may be agreed upon between the said Pioneer Express company and its employees; and to purchase, and hold, and the same at pleasure to in anywise convey or dispose of all such property, real, personal, or mixed, as may be found or thought necessary to its best interests; and to create and organize branch agencies for the same purpose, and to have and establish and

maintain store-houses, ware-houses, and other buildings, and to purchase lands to build thereon such store-houses, warehouses, and other buildings, as may be required for the safe-keeping of anything entrusted to them for conveyance; and shall have the power to indemnify themselves by insurance against loss or damage by fire, or the risk of navigation in the transportation of any goods, wares, merchandise, or other property in their custody received by them for transportation, or held by them as their property.

SEC. 5. Be it further enacted, That if the said company shall have unclaimed freight or baggage in its possession for the period of at least six months, it may proceed to sell the same at public auction, after giving notice to that effect in one or more newspapers published in the State, or at the place where such goods are to be sold, once a week for not less than four weeks, and shall also keep a notice of such sale posted for the same time in a conspicuous place in the principal office of the said company. Said notice shall contain, as near as practicable, a description of such baggage or freight, together with the address marked on the same: *Provided*, that no sale shall take place until twenty days previous notice of the time and place of said sale be given to the shipper or consignee of such articles, or an affidavit be made and filed that they are unknown to the chief officer of said company, and on diligent enquiry at the place of shipment and consignment, could not be found: *And provided further*, that before such sale, each package shall be opened for the examination of bidders, and the articles sold separately, or in lots, as may seem most to the benefit of the owners thereof. All moneys arising from the sale of the said unclaimed freight or baggage, as aforesaid, after deducting therefrom all charges due the said Express company for freight, storage and transportation, and expenses of advertising, commissions for selling the property, and any amount previously paid for advances on such freight or baggage, shall be paid by the company to the person, or persons, entitled to receive the same; and the said company shall keep books of record of all such sales as aforesaid, showing when and where it came into their possession, and the names of the consignees, and containing copies of such printed notices, proof of advertising and posting of such sale, and amount for which each parcel was sold, total amount of charges against such parcel or parcels, the amount held in trust

At to unclaimed freight.

Proviso.

Notice of sale to be given.

Disposition of such monies.

for the owner; which books shall be open for inspection by claimants at the office at which the said sale was made.

Liability of
Stockholders.

SEC. 6. Be it further enacted, That the stockholders in said company shall be personally responsible, over and above their stock, for the amount equal to the amount of stock held by each, for any loss or damage on goods, moneys, or other property entrusted to the said company for transportation, and for any contract made or liability incurred by them; and to prevent this charter falling into the hands of irresponsible parties, each stockholder shall be bound for twelve months after the sale of any stock in said Express company.

When fran-
chise to vest.

SEC. 7. Be it further enacted, That no rights of franchise, conferred by this act, shall vest until fifty thousand dollars of said stock shall have been subscribed and actually paid in, and invested in stock or material, to carry on the business, of which fact it shall be the duty of the company to inform the Governor, in the same manner that the officers of a bank about to be put in operation are required to do; and when said company shall be organized and ready to go into operation, it shall be the duty of the presiding officer, and treasurer, to make a statement, on oath, to the Comptroller of the amount of capital paid in, and to make a like statement every six months thereafter, showing all liabilities and assets; and in case of the increase of the capital stock as provided for in section three, at least one-half of such increased stock shall be paid in at the time of subscription.

Charter not to
be sold or
transferred.

SEC. 8. Be it further enacted, That this charter, or any of the privileges herein granted, shall not be sold, transferred or merged into any other Express company, under the penalty of forfeiture thereof; nor shall any rights under this charter be leased or let to any other Express company, rail road or common carrier; nor shall the name thereof be used for the benefit of any other persons or carriers other than the legitimate stockholders of this company, and all contracts and agreements in violation of this section, are, and shall be void; and that this charter shall expire after twenty years from the passage of this act.

May make
bye-laws, etc.

SEC. 9. Be it further enacted, That the said company shall have power to make such bye-laws as they may deem expedient for the best interest of the said company, and for the management and guidance of all connec-

ted therewith, the same to be altered and amended to suit their own convenience; *Provided*, that nothing contained in such bye-laws shall be repugnant to the laws of this State or of the Confederate States.

SEC. 10. Be it further enacted, That the chief office of said company shall be located in this State, and whenever any sale of goods is made under section five of this act, such sale shall be made at the place to which such goods were shipped. Chief office.

SEC. 11. And be it further enacted, That any suit against said company to recover for any debt or liability thereof, may be brought in any county in this State where such debt or liability accrued, or where any of the local offices are situated; and service of process on the chief officer of said company, or any local officer or agent of said company shall be sufficient; *Provided*, that said company shall charge no insurance, unless by express contract, at the special request of the shipper. As to suits.
No insurance without contract with shipper.

Approved December 13th, 1864.

No. 144.]

AN ACT

To amend the Charter of the Alabama and Mississippi Rivers Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Charter of the Alabama and Mississippi Rivers Rail Road Company, be so amended as to change the name and title of said company from the "Alabama and Mississippi Rivers" to the "Selma and Meridian." Name of company changed.

SEC. 2. Be it further enacted, That the capital stock of said company be, and is hereby increased from one million to two million dollars; *Provided* that all the rights, powers and privileges, and duties pertaining to, or imposed upon said company by its present name are hereby made applicable to it by the name in this act mentioned. Capital Stock increased.

Approved November 29th, 1864.

No. 145.]

AN ACT

To amend the City Charter of Montgomery.

Additional
qualification
of votes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in addition to the qualifications now required by law, to constitute any one a qualified elector at the municipal election in the city of Montgomery, the said elector shall have resided twenty days immediately preceeding the election in the ward in which he seeks to vote.

Approved December 13th, 1864.

No. 146.]

AN ACT

To fix the Eastern Boundary of the City of Montgomery.

Description of
eastern bound-
ary.

PROVISO.

Grave yard in-
cluded.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the eastern line of Hilliard Street and a line running due south and due north in extension of said line to and from the northern and southern boundary of the city of Montgomery, shall be and is hereby made the eastern boundary of said city; *Provided however,* that the grave yard, near to and under the control of said city, shall be included within the boundaries of said city, anything in this or any other act to the contrary notwithstanding.

Approved December 9th, 1864.

No. 147.]

AN ACT

To amend the Charter of the City of Selma.

Fifty dollars
stricken out.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section six of the Charter of the City of Selma, be, and the same is hereby amended, so as to strike out the words "fifty dollars" in the last clause of said section six, which begins thus: The said city council are also empowered to lay such fines, not exceeding

"fifty dollars," &c., and to substitute in lieu of the words so stricken out, the words five hundred dollars, and by adding at the conclusion of said section six, the following words: The said city council are hereby empowered, to regulate the sale of ardent spirits within the limits of said city, and to pass all such ordinances and resolutions, and to make all such regulations respecting the sale of spirituous liquors in said city, as may by them be deemed necessary and proper, and when deemed necessary said city council shall have power to prohibit altogether the sale of spirituous liquors within said city, when deemed a nuisance, except for medicinal purposes by a licensed druggist or physician.

Five hundred inserted.

City council empowered further.

SEC. 2. Be it further enacted, That section seven of said city charter, be so amended as to strike out all of said section after the words "on every cart, dray," and substitute in lieu thereof, the words, on every cart, dray, wagon or other vehicle used for the transportation of goods from one part of the city to another, for hire, a tax not exceeding fifty dollars; on all omnibusses, cabs carriages or other vehicles for the transportation of persons within said city, for hire, a tax not exceeding two hundred dollars; on every vender of spirituous liquors in said city, a tax not less than forty nor more than three thousand dollars: on every vender of goods, wares and merchandize, drugs and medicines, or either of them, a tax not exceeding five hundred dollars per annum; on all goods sold at auction, a tax not exceeding two and half per cent. on amount of sales.

Part of section seven stricken out; a substitute for same.

SEC. 3. Be it further enacted, That said city of Selma shall be divided into four wards, and each ward be entitled to two councilmen residing within the limits of the ward, to be elected by the qualified voters of the ward in which said councilmen reside; that ward number one shall embrace all that portion of the city lying west of Donation street, in its projection to the northern limits of said city; that ward number two shall embrace all that portion of the city lying between Donation and Broad streets in their projection to the northern limits of said city; that ward number three shall embrace all that portion of the city lying between Broad and Sylvan streets in their projection to the northern limits of said city; and ward number four shall embrace all that portion of said city lying east of Sylvan street, and the election of said councilmen may be held at such place or places as said city council may prescribe.

Divided into four wards.

Bounds of the wards.

Taxes in what
payable.

SEC. 4. Be it further enacted, That all taxes, licences, fines, &c., imposed under the provisions of this act, shall be payable in treasury notes of this State or of the Confederate States, at par, during the continuance of the present war.

Repealing
clause.

SEC. 5. Be it further enacted, That all laws or parts of laws in contravention of the above amendments to said city charter, are hereby repealed.

Approved December 13th, 1864.

No. 148.]

AN ACT

To amend the Charter of the town of Gainesville.

Westerly side
line.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Westerly line of said town be as follows:—Beginning on the Southerly side line of said town, and on the Easterly side line of State street at the point where they connect, and running on the Easterly side line of State street Northerly to the North side of Spruce street, then Westerly by Spruce street to the Southwest corner of block number 39, thence on and by the rear or Westerly side of blocks number 39, 38, 37, 35, 36, and 10, on the plat of said town and continuing the same course until it strikes the Northerly side line of said town, and that all the land and parcels lying west of the line here described be excluded from the bounds of said town,

Approved November 26th, 1864.

No. 149.]

AN ACT

To alter and amend the Charter of the Alabama Life Insurance and Trust Company of Mobile.

Number of the
board
decreased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the board of trustees of the Alabama Life Insurance and Trust Company of Mobile, shall consist seven of members instead of fifteen, which seven trustees shall have all the powers appertaining to the said board heretofore.

SEC. 2. Be it further enacted, That on the third Monday in December next (1864) and on the third Monday in December in each year thereafter, an election shall be held for seven trustees, as already provided for in the Charter of said company. When election to be held.

SEC. 3. Be it further enacted, That all laws or parts, thereof conflicting with the provisions of this act, be and the same are hereby repealed. Repealing clause.

Approved November 24th, 1864.

No. 150.]

AN ACT

To amend the Charter of the Eufaula Home Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the ninth section of an act "To incorporate the Eufaula Home Insurance Company," approved February 8, 1861, be and the same is hereby amended by striking out the word "January" where it occurs in the third line of said section, and inserting the word "February" in lieu thereof. February in place of January.

Approved December 13th, 1864.

No. 151.]

AN ACT

To transfer the Chancery District composed of the counties of Monroe and Clarke from the Southern to the Middle Chancery Division.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the chancery district composed of the counties of Monroe and Clarke, be, and the same is hereby transferred from the southern to the middle chancery division, and shall hereafter constitute a part thereof. Transfer.

SEC. 2. Be it further enacted, That the chancery court for said district shall be held at Claiborne, Monroe county, on the first Thursday after the first Monday in June, in each and every year; *Provided,* that the second section of this act shall not go into effect until the first of January next. Court to be held at Claiborne.

Approved December 13th, 1864.

No. 152.]

AN ACT

Authorizing suits to be brought for and against the Alabama Insane Hospital in the county where located.

In the county
where hospital
is.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That suits for and against the Alabama Insane Hospital, may be brought in the appropriate courts of the county in which said hospital is located.

Approved December 12th, 1864.

No. 153.]

AN ACT

In relation to the compensation of the Officers of the Penitentiary.

Increased fifty
per cent.

Warden's sal-
ary increased
25 per cent.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the compensation or salary of the Officers of the Penitentiary of this State, be, and the same is increased fifty per centum upon the amount now fixed by law ; *Provided,* that the salary of the warden shall be increased only twenty-five per centum.

Approved December 12th, 1864.

No. 154.]

AN ACT

To pay W. S. Barton for Stationery furnished the State.

Appropriation
of \$1,245.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of twelve hundred and forty-five dollars, be, and the same is hereby appropriated to pay W. S. Barton, for Stationery furnished the House of Representatives up to this date, the 25th November, 1864 ; and that the Comptroller be authorized to draw his warrant on the Treasurer, in favor of said W. S. Barton, for said amount.

Approved December 8th, 1864.

No. 155.]

AN ACT

To amend an act therein named so as to provide for families rendered destitute of subsistence in the counties of Cherokee, DeKalb, and other counties, by the public enemy.

WHEREAS, great suffering and destitution exist in the counties of Cherokee, DeKalb, Morgan, and a portion of St. Clair, Marshall, and Blount, by reason of the seizure, waste, and destruction of the subsistence of the people of said counties by the Confederate and Federal armies, so much so as starvation is imminent in many families, unless immediate relief is granted: and as those people who are most likely to suffer for bread are loyal citizens, therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the sum of one hundred and eighty-five thousand dollars be, and the same is hereby appropriated, out of the treasury of the State, for the purpose of purchasing subsistence for the relief of the indigent sufferers aforesaid; to be distributed to the counties aforesaid, in the sums following, to-wit: to the county of Cherokee, the sum of seventy-five thousand dollars; to the county of DeKalb, the sum of thirty thousand dollars; to the county of Morgan, thirty thousand dollars; to the county of St. Clair, fifteen thousand dollars; to the county of Marshall, twenty thousand dollars, and to the county of Blount fifteen thousand dollars; which said several sums of money shall, upon the warrant of the Comptroller, be paid over to such agent or agents of said counties as the Governor may appoint, as hereinafter provided.

Appropriation of \$185,000.

How apportioned.

SEC. 2. Be it further enacted, That the said agent shall invest the said money by him received, in the purchase and transportation of articles of subsistence as aforesaid, for the use of the people aforesaid; the said agent, or agents, being required to give bond and security, payable to the State of Alabama, in such sums as the Governor may require, and to be approved by him, conditioned for the faithful discharge of his duties; which agent, or agents, shall receive from the treasury of the county for which he acts, such reasonable com-

How to be invested

Bond to be given.

pensation as the court of county commissioners may allow, and it is the duty of said court to make such allowance.

SEC. 3. Be it further enacted, That the said agent, or agents, must, if said subsistence is purchased beyond the limits of the county for which he may act, procure transportation for the same, if that can be had by any public conveyance, to the nearest public depot to said county, and turn the same over to the judge of probate to be distributed by the court of county commissioners of the county for which the same is furnished, to persons who are destitute of subsistence and of the means of procuring the same, to be by them ascertained in such manner as they may deem best, so as to make the distribution just and equitable; in the above distribution, indigent refugees from other sections of this State are to be included, who are there at the passage of this act; *Provided, however*, that no person shall be entitled to any benefit under this act, except he or she be a person who is loyal to the Confederate States and this State and has resided in this State continuously since the first day of May, 1861, and has not since that day taken any oath in the nature of an oath of allegiance or obedience to the United States, or to the government, or authority or officer thereof.

How when purchased out of the county.

How to be distributed.

Proviso.

Who are to be recipients.

SEC. 4. Be it further enacted, That the several sums of money herein appropriated, must be deducted from an appropriation of five hundred thousand dollars made under an act of the General Assembly of the State, entitled, "An Act for the relief of persons rendered destitute by the seizure, waste, or destruction of their means of subsistence by the public enemy," approved December 8th, 1863.

From what fund deducted

SEC. 5. Be it further enacted, That the Governor may in his discretion, loan to said counties the use of any corn sacks belonging to the State, upon such terms as he may impose so as to secure their return to the State.

Governor may loan sacks.

SEC. 6. Be it further enacted, That any fraudulent misapplication of the money, subsistence, or sacks aforesaid, shall be deemed a felony and punishable as provided by law for embezzlement.

Fraudulent misapplication a felony.

SEC. 7. Be it further enacted, That to enable this State or its Governor to claim and obtain from the government of the Confederate States of America, reimbursement for such sum or sums as may be advanced, or paid, under this act, for the destitution caused to any of the ben-

How to be reimbursed by the Confederate government.

eficiaries of this act, by any portion of the military forces of the Confederate States, whilst passing through, or stopping in this State, at any time, the judge of probate of each of the counties herein above named, shall, as soon as practicable, without delaying the distribution authorized by this act, procure all the testimony, and names and residence of witnesses he can, to establish the names and residence of each person whose destitution was caused by any portion of the military forces of the Confederate States, and when, and where, and how such destitution was caused, and the extent of such destitution in each individual case, and report the same, without unnecessary delay to the Governor, who is thereupon authorized to demand and receive from the government of the Confederate States, reimbursement of the sum or sums paid under this act on account of the destitution caused, as above mentioned in this act.

SEC. 8. Be it further enacted, That all the duties imposed by the preceding section upon the probate judges therein referred to, as to destitution caused by any portion of the military forces of the Confederate States, and as to testimony, witnesses, reports, &c., are hereby imposed upon each of said probate judges as to destitution caused by any portion of the military forces of the United States, and as to testimony, witnesses, reports, etc., relating to the destitution last mentioned. And as to demanding reimbursement for payments which may be made under this act, on account of the destitution last mentioned, the Governor is hereby authorized to ^{Governor empowered.} pursue any course he may deem best.

Approved December 9th, 1864.

No. 156.]

AN ACT

To authorize R. J. Woodward to receive the funds due the Soldiers Families in Clarke County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum due the county of Clarke, under an act entitled "An Act making an appropriation to aid Indigent Families of Soldiers, in the military service from the State of Alabama," approved October 7th, 1864, be paid to R. J. Woodward for the probate judge ^{Authority.}

Q. M. General
to draw war-
rant.

of said county, or so much of said sum as may now be ready for payment, to be by him, the said judge of probate, distributed as directed by the said act, approved October 7th, 1864. And the Quartermaster General is hereby authorized to draw his warrant on the State Treasurer, in favor of said R. J. Woodward, for said sum.
Approved December 9th, 1864.

No. 157.]

AN ACT

To authorize certain persons therein named to draw certain funds, due their respective counties for the support of the Indigent Families of Soldiers.

Names of the
parties and
the counties.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Quartermaster General, be, and he is hereby authorized and required to draw his warrant on the Treasury, in whole or in part, in favor of A. M. Gibon of Blount county, and George P. Charlton of Morgan county, and John B. McLellan of Limestone county, for the several amounts now due said counties, respectively, on account of the appropriations heretofore made for the support of the Indigent Families of Soldiers.

Approved December 13th, 1864.

No. 158.]

AN ACT

To amend an act entitled "An Act authorizing Francisco Rice and Wm. H. Robinson, to receive funds due Indigent Families of Soldiers of Jackson County," approved October 6th, 1864.

W. H. Robinson made the party.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That an act entitled "An Act to authorize Francisco Rice and William H. Robinson, to receive funds due to Indigent Families of Soldiers of Jackson county, approved October 6th, 1864, be, and the same is hereby amended so as to make William H. Robinson the sole party authorized to receive the money under the provisions of said act.

SEC. 2. Be it further enacted, That the receipts of the district and beat agents, or commissioners, shall be proper and legal vouchers in behalf of, and for said William H. Robinson, in his settlements with the Quartermaster General on account of said funds. What shall be legal vouchers

Approved November 28th, 1864.

No. 159.]

AN ACT

To authorize Jephtha Seay to draw the funds due the County of Fayette, and M. L. Davis for the County of Marion, from the Indigent Fund due said counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Quartermaster General, be, and he is hereby authorized and required to draw his warrant on the Treasurer, in favor of Jephtha Seay, for the amount due the county of Fayette, as its *pro rata* share of said county, of the November instalment, by appropriation, approved 7th day of October, 1864, for the aid of the Indigent Families of Soldiers. Q. M. General to draw his warrant.

SEC. 2. Be it further enacted, That the Quartermaster General, be, and he is hereby authorized and required to draw his warrant on the Treasurer, in favor of M. L. Davis, for the amount due the county of Marion, as its *pro rata* share of said county, under said act aforesaid. Also in favor of M. L. Davis.

Approved December 12th, 1864.

No. 160.]

AN ACT

To authorize William Bush of Dale County, to draw such amount of the fund appropriated for the benefit of Indigent Soldiers Families, as may be due to said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Bush of Dale county, is hereby authorized to receive such portion of the fund for the benefit of Indigent Soldiers Families of this State, as is due to Dale county, and the Quartermaster General is Authority to Receive.

Quartermaster's authority hereby authorized to pay said amount, to said Bush, upon the Comptroller's warrant therefor, who is hereby required to draw it for the same.

Approved December 13th, 1864.

No. 161.]

AN ACT

To authorize J. A. Hill to draw funds due Indigent Families of Soldiers, of Walker County.

Q. M. General
to draw his
warrant.

Due Walker
county

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the Quartermaster General, be, and he is hereby authorized and required to draw his warrant on the Treasurer, in favor of J. A. Hill, for the amount due Walker county, for its *pro rata* share of any appropriation due said county, for Indigent Families of Soldiers.

Approved December 13th, 1864.

No. 162.]

AN ACT

To authorize the issue of Letters of Administration in a certain case.

Estate of Mar-
tha J. Harri-
son.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the probate judge of Barbour county, be, and he is hereby authorized to grant letters of administration upon the estate of Martha J. Harrison, deceased to James Harrison, a citizen of the State of Georgia; *Provided*, that the said James Harrison shall first execute a sufficient bond, as said administrator, with two securities resident in this State, to be approved by the probate judge, aforesaid; *And provided further*, That suit and all other legal proceeding may be commenced against said administrator, by service of the writ, or notice upon any one of his securities.

May administ-
er.

SEC. 2. *Be it further enacted*, That the said James Harrison upon receiving letters of administration, as provided for in the first section of this act, shall be authorized to administer said estate in all respects as fully as though he were a citizen of this State.

Approved November 30th, 1864.

No. 163.]

AN ACT

To legalize the grant of administration upon the estate of Major Beavers, deceased, in the probate court of Talladega, Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate court of Talladega county, Authority. may grant letters of administration or testamentary, on the estate of Major Beavers, deceased, and if said letters have been heretofore granted, the same are hereby legalized.

Approved December 9th, 1864.

No. 164.]

AN ACT

To authorize the estate of Thomas H. Herndon, deceased, to be kept together by the administrator.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the administrator of the estate of Thomas H. Herndon, deceased, be, and he is hereby Authority conferred. authorized, to keep together and cultivate the plantations of the said decedent in Greene and Sumter counties, and to dispose of the crops thereof at private sale, and that the powers given in this act shall continue in force during the continuance of the war between the United States and the Confederate States.

Approved November 29th, 1864.

No. 165.]

AN ACT

To remove the administration of the estate of Jonathan C. Farley from the county of Macon to the county of Dallas.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles K. Farley, of Dallas county, administrator of the estate of Jonathan C. Farley, late of Authority conferred.

the county of Macon, be authorized to remove the property and administration of said estate from the county of Macon to the county of Dallas, and that the judge of probate of Macon county be authorized and required to send a certified transcript of all the orders and proceedings on file in said court, belonging to said estate, to the judge of probate of Dallas county.

SEC. 2. Be it further enacted, That before the transfer of the administration of said estate, the said Charles K. Farley shall make a full settlement of his administration with the probate court of Macon county, and shall pay all costs that have accrued in the administration of said estate, in said county; *Provided*, said Charles K. Farley shall execute a new administration bond in the county of Dallas.

Approved November 26th, 1864.

No. 166.]

AN ACT

To remove the administration of the estate of Charles T. Calloway from Wilcox to Butler county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That upon Seaborn Moore, of Butler county, producing to the probate court of Butler county a bond with sufficient security, approved by said court, conditioned faithfully to execute all and singular the trusts appertaining to said estate of Charles T. Calloway, and to do and perform whatever the law requires in regard to the management and settlement thereof, upon the certificate of said judge that such bond has been given, the administration of said estate shall be and is hereby declared transferred to the county of Butler from the county of Wilcox; *Provided*, That the said Seaborn Moore shall make a full settlement of said estate with the probate court of Wilcox previous to such transfer.

Approved December 1st, 1864.

No. 167.]

AN ACT

To change the jurisdiction of the administration of the estate of John Salser, deceased, from Mobile to the County of Shelby.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of probate of Shelby county shall have authority to take jurisdiction of the administration of the estate of John Salser, deceased, late of the county of Mobile, to grant letters of administration thereon, and to do and to perform all things necessary or proper to cause the estate of the said decedent to be settled and distributed in accordance with the laws of this State as fully and effectually as if said decedent had been a resident citizen of the said county of Shelby, at the time of his death. Take jurisdiction.

Approved December 8th, 1864.

No. 168.]

AN ACT

To authorize the removal of the estate of John H. Walker, of Lowndes county, to Dallas county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the administration of John H. Walker, deceased, now pending in the court of probate, of Lowndes county be, and the same is hereby removed from the probate court of Lowndes county, to the probate court of Dallas county, and the said court of probate, of Dallas, is hereby invested with full jurisdiction and authority over said estate, and may make all orders and decrees in relation to the administration thereof, as if said letters had been originally granted, in the county of Dallas, and the judge of said probate court of Lowndes is hereby authorized and required to transfer to said probate court of Dallas county, all the original papers on file in his office relating to said estate, together with copies of all orders, and decrees, duly certified under his hand and seal: *Provided,* That before this act shall take effect, the administrator shall make a full settlement of his administration in the probate court of Lowndes coun- Administration removed.
Authority to probate judge of Lowndes.
Provide.

ty, and the securities on the bond of said administrator, shall file their consent in writing, to said change in the said court of probate of Lowndes county.

Approved November 26th, 1864.

No. 169.]

AN ACT

To remove the administration of the estate of William Bledsoe from Pike county to Montgomery county.

Authority.

What probate judge of Pike to do.

Must make a full settlement in Pike.

Must give bond

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William H. Ogbourne, of Montgomery county, administrator of the estate of William Bledsoe, late of Pike county, be authorized to remove the administration of said estate from the county of Pike to the county of Montgomery; and that the judge of probate of Pike county be authorized and required to send a certified transcript of all orders and proceedings heretofore had in said county in relation to said estate with all papers on file in said court belonging to said estate, to the judge of probate of Montgomery county.

SEC. 2. *Be it further enacted,* That before the transfer of the administration of said estate, the said William H. Ogbourne, administrator, shall make a full settlement of his administration with the probate court of Pike county, and shall pay all costs that have accrued in the administration of said estate, in said county of Pike.

SEC. 3. *Be it further enacted,* That before the transfer of the administration of said estate, the said William H. Ogbourne shall first give bond to the probate judge of Montgomery county, payable and conditioned as required by law.

Approved November 30th, 1864.

No. 170.]

AN ACT

To authorize the Commissioners' Court, of Autauga county, to expend certain monies herein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court, of Autauga county be, and they are hereby authorized to apply any of the surplus "fine and forfeiture fund" which is now, or may hereafter be, in the county treasury, to the support of indigent families of soldiers in said county. Powers.

Approved November 26th, 1864.

No. 171.]

AN ACT

Conferring certain jurisdiction upon the Judge of Probate of Cherokee county.

WHEREAS ; The judge of Probate, of DeKalb county, has been seized and carried off as a prisoner by the public enemy, and whereas, there are sundry estates of deceased persons of said county, subject to waste for want of administration. Therefore Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of probate, of Cherokee county, may admit to probate all wills, and grant letters testamentary of the same, and take jurisdiction of, and grant administration upon all estates of deceased persons of said county of DeKalb, in the same manner, and to the same extent, as he can exercise jurisdiction over wills and intestate estates of his own county ; and the jurisdiction shall continue so long as the said county of DeKalb shall be without a judge of probate ; *Provided,* What probate judge of Cherokee may do. however, that no administration upon estates of testators or intestates of DeKalb county, shall be transferred from the court of probate of Cherokee to the court of probate of DeKalb, before final administration, unless, on the petition of the administrator or executor, and all acts of the judge of probate in the premises shall be as valid and binding in law and equity, as if his said acts appertained to estates of decedents in his own county. Upon a Proviso. In regard to transferring administration.

transfer aforesaid, the said judge of probate, of Cherokee shall make out a full copy of all orders and decrees of his court, which, together with the original bonds and other papers and his fee bill in each case, and forward the same, under his official certificate, verified by the seal of his court, securely enveloped, and direct the same to the judge of probate of DeKalb county, and cause the same to be delivered.

Approved December 13th, 1864.

No. 172.]

AN ACT

To repeal an act entitled "An Act to require the Commissioners Courts of this State, to furnish blanks as assessors, so far as it relates to the county of Coosa and other counties."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "An Act to require the commissioners court of the several counties of this State, to furnish blanks to assessors," approved February 25th, 1860, be, and the same is hereby repealed so far as relates to the counties of Coosa, Chambers, Lowndes, Pike, Randolph, Blount, St. Clair, Marengo, Talladega, Dallas, Wilcox, Calhoun, Walker, Butler, Cherokee, Barbour, Pickens, Covington, Coffee, Conecuh, Dale, Henry, Fayette, Marion and Tallapoosa.

Approved December 13th, 1864.

No. 173.]

AN ACT

In relation to Tolls at the Centreville Bridge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That until otherwise provided by law, the owners of the toll bridge at Centreville, Bibb county, in this State, be, and they are hereby authorized to

Names of the
Counties.

charge and collect the following rates of toll, any law to the contrary, notwithstanding :

Stage coach or omnibus, drawn by four animals . . .	\$1 50	Rates of Toll.
Four wheel pleasure carriage or buggy, drawn by one or two animals	1 00	
Two wheel pleasure carriage or buggy, drawn by one animal	50	
Jersey wagon or carryall	1 00	
Cart or dray	50	
Horse and rider	25	
Foot passenger	10	
Horses or mules, per head	15	
Cattle, per head	10	
Hogs, goats or sheep	05	
Each road wagon, drawn by six animals	1 50	
Each road wagon, drawn by four animals	1 25	
Each road wagon, drawn by three animals	1 00	
Each road wagon, drawn by two animals	75	
Each road wagon, drawn by one animal	50	

Approved November 29th, 1864.

No. 174.]

AN ACT

To authorize the Commissioners' Court of the County of Chambers and other counties herein named, to increase the compensation of the County Treasurers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the treasurer of the counties of Chambers, Choctaw, Coosa, Clarke, Calhoun, Greene, Tuscaloosa, Laurence, Tallapoosa, Perry, Lauderdale, Marengo, Sumpter, Barbour, Macon, Wilcox, Autauga, Lowndes, Jackson, Blount, Shelby and Limestone, shall receive such compensation as may be allowed by the court of commissioners of said counties, in no case not exceeding ten per cent. on the money paid out by the said treasurers.

Names of the Counties.

Authority increase.

Approved December 12th, 1864.

No. 175.]

AN ACT

To increase the fees of certain officers therein named in Clarke County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the circuit clerk court, sheriff, justices of the peace and constables, that are over forty-five years of age, shall be entitled to one hundred per cent. on the fees now allowed by law, any law to the contrary, notwithstanding.

Approved December 13th, 1864.

Names of Officers.

Income 100 per cent.

No. 176.]

AN ACT

To authorize the County Reserves of Dale County to elect a Major.

Authority.

Proceedings necessary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the County Reserves of Dale county, in this State, be, and they are hereby authorized to elect a major, for the county reserves of said county, in addition to the county commandant of said county.

SEC. 2. *Be it further enacted,* That the county commandant of Dale county, shall within thirty days after the approval of this act, give notice of the time and place of holding said election, by putting up notice at the court house door, and three other public places in said county, of the time of holding said election, which time shall not be less than ten days from the time said notices are put up; that said election shall be held and the returns thereof made, in the same way and manner as elections for county commandants of reserves are now required to be made and held by law; and no person shall be elected who is not over forty-five years of age, and the person so duly elected, shall be commissioned by the Governor.

Approved December 13th, 1864.

No. 177.]

AN ACT

To compensate Boat Agents, &c., in the County of Dale.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That from and after the passage of this act, the beat agents of each beat in the county of Dale, shall ^{What compensation.} be allowed a reasonable compensation for their services, to be adjudged by the commissioners court, and to be paid out of the county treasury, of said county.

SEC. 2. *Be it further enacted,* That each agent shall take and subscribe an oath, that he will faithfully perform the duty of such agent, without favor to any family ^{Oath to be taken.} or families.

SEC. 3. *Be it further enacted,* That such agent or agents failing to perform their duty as such agents shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars nor more than ^{Failure to perform duty a misdemeanor.} one thousand dollars.

Approved December 12th, 1864.

No. 178.]

AN ACT

To confer Jurisdiction on the Probate Court of Dallas County, in a certain case therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That concurrent jurisdiction is hereby conferred upon the probate court of Dallas county, with the ^{Concurrent Jurisdiction.} probate court of Perry county, to give letters testamentary, or letters of administration, with the will attached, in the matter of the estate of Rufus C. Ware, deceased late of Perry county.

Approved December 9th, 1864.

No. 179.]

AN ACT

To regulate the working on public roads in the County of Dallas.

Between what
ages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all white male persons between the ages of twenty-one and sixty-five, in the county of Dallas, shall be liable to appointment as apportioners and overseers of public roads.

Section 1143
suspended.

SEC. 2. Be it further enacted, That Section 1,143 of the code of Alabama, so far as the same is applicable to the county of Dallas, be, and the same is hereby suspended during the continuance of the present war.

Approved November 29th. 1864.

No. 180.]

AN ACT

To establish the City Court of Selma.

Court estab-
lished.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there is hereby established in the City of Selma, an inferior court of record, to be called the city court of Selma, to be held and presided over by a judge, who shall reside in said city, or in the county of Dallas, and who shall be elected by the qualified electors of Dallas county, and who shall hold his office for the same term, take the same oaths, exercise the same powers, and be removable for the same causes, as judges of the circuit courts of this State.

What court
may have.

Clerk—how
elected and
tenure of office
etc.

SEC. 2. Be it further enacted, That said court shall have and keep a common seal, and shall have a clerk, and such other officers as the circuit courts in this State. The clerk of said court shall be elected by the qualified electors of Dallas county, and shall hold his office for the same term as the clerks of the circuit courts in this State. The clerk of said court shall give the same bond, exercise the same powers, and perform the same duties as are now required by law of clerks of the circuit courts in this State, except so far as the provisions of this act are in conflict therewith.

SEC. 3. Be it further enacted, That the first election for judge and clerk of said city court, shall be held by the sheriff of Dallas county, in the same way that elections are held for judges and clerks of the circuit courts, on the first Monday in February next. The judge of said court, when elected, shall hold his office for the term of six years, and until his successor shall be elected and qualified. The clerk of said city court, when elected, shall hold his office for the term of four years, and until his successor shall be elected and qualified. Vacancies in the office of judge and clerk of said city court, shall be filled in the same manner in which vacancies in the offices of judge and clerk of the circuit courts are filled in this State.

First election.

Tenure of Judge.

SEC. 4. Be it further enacted, That until otherwise provided, said city court shall be holden, and the office of the clerk thereof shall be kept, with the consent of the mayor and council of the city of Selma, at the city hall in said city. Said court shall hold two terms, of two weeks each, in each and every year, commencing on the first Mondays in April and October, and may hold such other terms as may be necessary for the dispatch of business, when prescribed by the judge of said court, he giving thirty days notice thereof, by the publication in one of the city newspapers.

When court to be held.

Terms of court.

SEC. 5. Be it further enacted, That said court shall have concurrent jurisdiction with the circuit court of Dallas county, of all offences against the criminal laws of this State, committed within the corporate limits of the city of Selma, to the same extent that the circuit court of Dallas has, or shall have jurisdiction in criminal cases; and concurrent jurisdiction with the circuit court of said county with civil cases, of which said circuit court of Dallas county could take jurisdiction; and that the powers and jurisdiction of the circuit courts of this State, be, and the same are hereby conferred on the city court of Selma, to the extent above provided; and in order to confer on said court the same powers and authority, as is now, or may hereafter be conferred upon the circuit courts of this State, in the exercise of like jurisdiction, it is declared that all laws conferring jurisdiction in any case upon the circuit courts of this State, giving them power to hear and determine cases, appoint and remove their officers, punish contempts, regulate their practice and forms of process, prescribing the duties of their officers, and of sheriff and coroner, allowing established fees to each officer, providing for the collection

Concurrent jurisdiction with circuit court.

thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said court, and its officers, as fully as they extend to the circuit courts of this State.

Power to issue writs, etc. SEC. 6. Be it further enacted, That power is hereby conferred on the judge of said city court, to issue writs of injunction, writs of habeas corpus, and any other writs or process, in any and every case, in which, by existing laws a circuit judge might order the issue of any like remedial writ or process, and in the recess or vacation of said city court, the judge thereof shall have the same power and authority as judges of the circuit courts of this State.

As to appellate jurisdiction. SEC. 7. Be it further enacted, That the supreme court of this State shall have appellate and supervisory jurisdiction over said city court, and that causes may be removed from that court to the supreme court in the same manner provided for by law, for the exercise by that court of like appellate or supervisory jurisdiction over the courts or judges of the circuit courts in this State.

Process. SEC. 8. Be it further enacted, That the process of said city court shall be tested, served, returned, and be in form, as is, or may be provided for the circuit courts; varying only in the style of the court, and conforming to its terms.

As to grand jurors. SEC. 9. Be it further enacted, That the grand jurors for said court shall be drawn from persons liable to jury duty in the city of Selma, shall be empannelled in the same manner as is or may be provided by law for grand juries of the circuit courts, and a venire issued therefor in the manner provided by law; and that the petit juries for said court shall be drawn and empannelled from the county of Dallas, in the same manner as is now provided by law, and the said court shall have the same power to issue special venires, and call in talis jurors, as the circuit courts have.

As to certain future laws. SEC. 10. Be it further enacted, That all laws of a general character that may hereafter be adopted, giving jurisdiction to the circuit courts of this State, shall be held to apply and extend to the city court of Selma, within the county of Dallas, although said city court may not be mentioned in said law.

Salary of judge. SEC. 11. Be it further enacted, That the salary of the judge of the court hereby established, shall be three thousand dollars a year, and shall not be diminished during his continuance in office, and shall be payable quarterly at the treasury of the county of Dallas, upon his

order, out of any moneys unappropriated ; and for the remuneration of said county for the payment of the same, the fees, fines and forfeitures in all criminal cases in the city of Selma, shall be paid into said treasury to the full amount of said salary, in preference to any other appropriation of the same.

SEC. 12. Be it further enacted, That the sheriff, coroner and constables of the county of Dallas, shall be required to attend said court, preserve order, execute and return its process, as they now are, or may hereafter be required to do in the circuit courts. What officers to attend.

SEC. 13. Be it further enacted, That the compensation of jurors and witnesses attending said city court, and the fees of sheriffs, constables and bailiffs, for services in said court, or for executing process issued therefrom, or returnable thereto, shall be the same as are now allowed by law for similar services in the circuit courts, and for executing or returning process issued from or returnable to circuit courts. Compensation of jurors and witnesses.

Approved December 9th, 1864.

No. 181.]

AN ACT

To amend An Act for the protection of the citizens of Fayette County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An Act for the protection of the citizens of Fayette county," approved the 7th October, 1864, be amended by striking out the word "John" where it occurs in the third line of the first section, and insert the word "Jehu." How amended.

Approved December 1th, 1864.

No. 182.]

AN ACT

To increase the fees of County Officers of Franklin County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the fees of county officers in Franklin county be increased one hundred per cent. above the fees now allowed by law, Increased 100 per cent.

Approved November 25th, 1864.

No. 183.]

AN ACT

To authorize the Judge of Probate of Henry county to sell certain school lands in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of probate of Henry county be, and he is hereby authorized to appoint three commissioners who shall have the power to sell the school lands lying in township seven of range thirty.

SEC. 2. *Be it further enacted,* That said commissioners shall be governed by the same rules as other persons heretofore appointed for the sale of school lands in this State, and such sale shall be on the same terms, in every particular, as required by law for the sale of 16th section.

SEC. 3. *Be it further enacted,* That all laws, or parts of laws, contravening the provisions of this law, be and the same are hereby repealed.

Approved December 12th, 1864.

No. 184.]

AN ACT

To suspend Sections 768, 769, 770, and 771 of the Code of Alabama, so far as the county of Jefferson is concerned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That sections 768, 769, 770, and 771 of the Code of Alabama, be suspended in its operations as to the county of Jefferson, for and during the present war: *Provided,* that the court of county commissioners of said county may, if they deem proper, cause a jail to be built before the close of the war.

Approved December 12th, 1864.

No. 185.]

AN ACT

To reimburse indigent families of soldiers in the county of Lawrence with funds of which they had been robbed by the enemy.

WHEREAS, about the 19th August, 1864, Federal soldiers under command of Col. Prosser, U. S. A., raided out from Decatur, in Morgan county, to Moulton, the county seat of Lawrence county, broke open the office of Charles Gibson, judge of probate, scattered and destroyed the papers belonging to the office, found where he had concealed three thousand dollars of the funds belonging to the indigent families of soldiers in said county, and carried the same away, as is shown by said Gibson's affidavit herenunto appended; and whereas, about the 16th September, 1864, N. C. Alman, while on his return trip from Montgomery to Moulton, with the balance of funds due soldiers' families for second quarterly installment, was attacked and robbed of thirty-eight hundred and eighty-seven dollars and fifty cents, belonging to said fund, as shown by his affidavit herenunto appended; therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of six thousand eight hundred and eighty-seven dollars and fifty cents, be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the use and benefit of indigent families of soldiers in Lawrence county, to be distributed in accordance with existing laws; and that the Comptroller be, and is hereby authorized to draw his warrant on the Treasurer in favor of Charles Gibson, judge of the probate court of said county, for said sum.

Appropriation
of \$6,887 50.

Approved December 3d, 1864.

No. 186.]

AN ACT

For an election for Mayor and Aldermen for the city of
Huntsville.

Preamble

WHEREAS : by the occupation by the enemy of the city of Huntsville, in Madison county, no election was held at the time prescribed by the statute for Mayor and Aldermen of said city

Names of parties to hold election.

Parties to hold election in Athens.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for J. J. Donegan, Samuel H. Allison, and John M. Weaver, or either of them, to hold an election for mayor and aldermen for said city of Huntsville, after giving ten days notice at three of the most public places in said city ; and that G. R. Peck, A. B. McKinney, and J. A. Johnson, or any one of them, hold an election for the same purpose in Athens, Alabama, after giving notice of ten days of such election.

Approved December 13th, 1864.

No. 187.]

AN ACT

To increase the pay of Jurors and Witnesses in Marengo and other counties.

Counties.

Increase of 100 per cent.

Provide.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That grand and petit jurors and witnesses of the counties of Marengo, Perry, Franklin, Clarke, Russell, Sumter, Barbour and Washington, shall hereafter be allowed an increase of one hundred per cent. on the fees now allowed by law, so long as the existing war continues ; *Provided,* That persons living within five miles of the towns where the courts are held, shall not be entitled to the benefits of this act.

Approved December 12th, 1864.

No. 188.]

AN ACT

For the protection of the citizens of Marion county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the citizens of Marion county be, and they ^{to organize} are hereby, authorized to form squads or companies of ^{squads or companies.} not less than twenty privates, for the protection of their homes and firesides, and said companies, when so organized by the election of officers, shall be subject to the order and control of the county commandant of the second class militia, in said county *Provided,* however, they shall not in any case be taken out of the county.

SEC. 2. *Be it further enacted:* That upon information of the organization of any one or more of said companies, the Governor shall be, and he is hereby authorized, to furnish the said company, or companies, with such arms and ammunition as may be necessary for their defense: ^{Governor to furnish arms.} *Provided,* however, no person subject to service in second class militia shall be a member of any such company.

Approved December 12th, 1864.

No. 189.]

AN ACT

To increase the salary of the Judge of the City Court of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the revenue board of Mobile county are hereby authorized to increase the salary of the judge of ^{Salary may be increased.} the city court of Mobile, to a sum not exceeding five thousand dollars, if said board shall deem it expedient so to do, and that this authority shall continue until a ratification of a treaty of peace between the Confederate ^{Limitation.} and United States of America, and no longer.

Approved November 26th, 1864.

No. 190.]

AN ACT

For the relief of certain Tax Payers therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases where persons are liable to a State and county tax, on cargo sales of imported goods, made at auction in and during the tax year, ending the last day of February, 1864, and in which the party liable to the tax, or his agent, tendered in payment treasury notes of the Confederate States in the old issue, or offered to pay said tax to the tax collector in said notes of the old issue, before the first day of April, 1864; such party liable for such tax, or his agent, shall be allowed now, or any time before the 20th day of December, instant, to pay said tax in Confederate treasury notes of the old issue: *Provided,* That the tax payer making such tender, received such issue in good faith at par, in payment for his said sales: *Provided,* that no note of the old issue, above the denomination of fifty dollars, shall be received.

What cases.

Old issue to be received.

Proviso.

SEC. 2. *Be it further enacted:* That before any person shall avail himself of the provisions of this act, the party liable for said taxes, or his agent, shall first make affidavit that he did so offer or tender said money in payment of said taxes before the first day of April last, which affidavit shall be made in duplicate, one to be filed with the tax collector, and the other with the State treasurer.

Make affidavit.

Approved December 6th, 1864.

No. 191.]

AN ACT

To increase the fees of certain officers therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the judge of probate, register in chancery, clerks of the circuit court and city court, sheriff, general administrator, and coroner of the county of Mobile, shall be severally entitled to demand and receive, in addition to the compensation now allowed them by law, one hundred per

Certain officers of Mobile.

cent.; *Provided*, That this act shall not apply to such of-^{Increase.}
 ficers herein named, who shall refuse to receive in pay-
 ment of their fees, Confederate States treasury notes or
 the treasury notes of this State at par; *Provided, fur-*^{Proviso.}
ther, that this act shall remain in force until a ratifica-
 tion of a treaty of peace between the Confederate and ^{Limitation.}
 United States of America, and no longer.

Approved December 9th, 1864.

No. 192.]

AN ACT

To amend the law in relation to the city Court of Mont-
 gomery.

SECTION 1. *Be it enacted by the Senate and House of Rep-*
resentatives of the State of Alabama in General Assembly
convened, That in all cases where justices of the peace ^{Cases from jus-}
 in Montgomery county are authorized or required to ^{ties' courts.}
 bind parties to appear before the circuit court of said
 county, to answer any criminal charge, or as witnesses,
 the said justices may bind said parties or witnesses to
 appear before the "city court of Montgomery."

SEC. 2. *Be it further enacted*; That the clerk of said
 city court is hereby authorized to issue writs *fieri facias*, ^{clerk may is-}
 or other necessary writs upon judgments by the county ^{sue certain}
 court of Montgomery, and to make the same returnable ^{writs.}
 to the city court of Montgomery, and that said city court
 shall have as full and complete jurisdiction and control
 of the judgments, records, and papers of said county
 court had before it was abolished.

Approved November 24th, 1864.

No. 193.]

AN ACT

In relation to the city Court of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Rep-*
resentatives of the State of Alabama in General Assembly
convened, That when the judge of the city court of ^{When Judge is}
 Montgomery has been counsel, or is interested in any ^{interested,}
 cause or proceeding in said court, or is related to either
 party, or to any person interested in any cause or pro-

Transferred to circuit court. ceeding within the fourth degree of consanguinity, or affinity, such cause or proceeding shall be transferred for trial to the circuit court of Montgomery county.

Duty of clerk. SEC. 2. Be it further enacted : That when said judge shall direct a transfer, in any case, under the provisions of the first section of this act, it shall be the duty of the clerk of said city court, of Montgomery, to make a transcript of all the minutes, orders, and proceedings in the cause with his certificate and the seal of his court annexed : that it is a true copy, which, together with the original papers, he envelope and securely seal with his certificate, on the back thereof, that the enclosed papers numbered from one to —, include all the original papers in the causes, naming it, which attestation and certificate must be received as true, until the contrary be shown, which package he may deliver himself, or send by a messenger, and if not mutilated or defaced, must be presumed to be a true transcript of the record of the said city court in said cause.

Judge may order special terms. SEC. 3. Be it further enacted : That when in the opinion of the judge of said city court, it shall become necessary for the dispatch of business, he may hold a special term of said city court by giving ten days notice of the time thereof, in some newspaper published in the city of Montgomery, and may order a grand and petit jury summoned for said term, according to the provisions of existing laws.

Approved December 12th, 1864.

No. 194.]

AN ACT

To increase the fees of Justices of the Peace and constables in Montgomery county, and for other purposes.

Increased 100 per cent. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, and until one year after the declaration of peace between the Confederate States and the United States, justices of the peace and constables in Montgomery county shall be entitled to charge and receive one hundred per cent. upon the fees now allowed by law : *Provided, however,* that only the fees heretofore allowed by law, shall be charged against or received from non-residents of said county.

against non-residents.

SEC. 2. Be it further enacted; That the fees now allowed by law to the probate judge and clerk of the circuit and city courts of Montgomery county, be increased one hundred per cent. Fees of other officers increased.

SEC. 3. Be it further enacted, That no officer shall be allowed to charge more than the fees now allowed by law, who refuses to receive Confederate States or State treasury notes in payment at par. Who shall not charge more.

Approved December 9th, 1864.

No. 195.]

AN ACT

To authorize W. G. Merriwether to erect a gate across the Marler Road, in Montgomery county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. G. Merriwether, of the county of Montgomery be, and he is hereby authorized to erect a gate across the Marler road (a second-class road), near where said road crosses Panther creek, on the lands of the said Merriwether. Authority conferred.

Approved December 8th, 1864.

No. 196.]

AN ACT

To regulate the fees of the Judge of Probate Court of Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the provisions of "An Act to better regulate the fees of the judges of the probate courts of Greene, Marengo and Choctaw counties" approved 7th December, 1863, be and the same are hereby made applicable to the judge of the probate court of Perry county. Provisions of a certain act extended.

Approved November 25th, 1864.

No. 197.]

AN ACT

To provide for the administration of the fund for Indigent Families of Soldiers in Pickens county.

Appoint commissioner.

His duties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Pickens county, shall have power to appoint a commissioner to take the charge and management of the funds which have been, or shall be, appropriated for the benefit or support of the indigent families of soldiers in said county, and to perform all the duties which are now, or shall hereafter be required by law, to be performed by the probate judge of said county; and to require such commissioner, before entering upon the duties of his office, to take an oath that he will faithfully discharge the duties of his office, and to give bond with sufficient surety, payable to the probate judge of said county, in such penalty as such commissioners court shall prescribe, conditioned to appropriate all the funds received by him as required by law, or as directed by the court of county commissioners, of said county, and in all respects faithfully to perform the duties of his office.

Term of office: and reports.

SEC. 2. *Be it further enacted,* That the said commissioner shall hold his office until removed by said commissioners court, and shall make quarterly reports to the said court of all his receipts and disbursements and other proceedings, as such; and the said court shall audit and settle his accounts as often as shall be deemed necessary, and allow him such compensation for his services as may be deemed reasonable and just, and the said court of county commissioners shall have power to remove him at pleasure.

Power, duties, and penalties.

SEC. 3. *Be it further enacted,* That said commissioner, when appointed, shall have all the power, and be subject to all the duties and penalties, which now are, or shall hereafter be, conferred upon the probate judge, in respect to the administration of the fund for the benefit of the indigent families of soldiers in said county.

Approved December 13th, 1864.

No. 198.]

AN ACT

To authorize Durham W. Siler to record the official Acts of Bird Fitzpatrick, deceased, which were unrecorded at the time of his death.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Durham W. Siler, the clerk of the probate court of Pike county, be authorized and empowered, under the inspection of the judge of said court, to record in well bound books, from the minute entries in the office of said court, as required by clause 2 of section 672 of the code, all the official acts and proceedings which were done and performed by Hon. Bird Fitzpatrick, deceased, while he was the judge of said court, and which were unrecorded at the time of the death of said judge Fitzpatrick.

Authority.

Approved December 10th, 1864.

No. 199.]

AN ACT

To increase the powers of County Commissioners of Pike county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners court for the county of Pike be, and are hereby authorized and required, if in the judgment of the court, the provision made by the State is insufficient for that purpose, to levy and collect a tax in kind on the producers of said county, upon the following articles to-wit: corn, meat, potatoes, and sorghum syrup, or upon either or any of these articles, which tax shall not exceed one-tenth of the articles mentioned after deducting the Confederate tax thereon, which tax shall be for the exclusive use and benefit of the families of indigent soldiers in said county.

May levy a tax in kind.

SEC. 2. *Be it further enacted,* That said commissioners be, and they are hereby authorized, to appoint a special commissioner for the families of indigent soldiers in said county, who shall receive for his services such compensation as said court shall determine, and shall be removed at the discretion of said court, and he shall fur-

Appoint special commissioner.

Duties of commissioner.

nish each tax payer with a receipt for the articles delivered, and shall return a list of the tax in kind to said commissioners court under oath, for public inspection, and subject to such other regulations as said court shall prescribe, and said court may, if considered best for the interest of said county and the indigent families therein, turn over to said commissioner all money paid over to the probate judge, under State or county appropriations, for the aid of indigent families, and said commissioner shall receipt for the same, and shall apply the same to the support of said indigent families under such rules and restrictions as said commissioners' court shall prescribe, and said court may also charge said commissioner with the distribution of salt and cards, or any other article received or collected for the use of said indigent families, under such rules as the court may prescribe.

Must take an oath.

SEC. 3. Be it further enacted, That before entering upon the duties of his office, said special commissioner shall take an oath to faithfully and impartially discharge the duties herein imposed, or that may be imposed, by said court, in pursuance of the provisions of this Act, and to distribute any money, provisions, or other article placed under his control, by this Act, with a due regard to economy and the wants of each family, and shall enter into bond, with sufficient security, to be approved by said commissioners' court, for the faithful performance of his duties as said special commissioner.

Penalty for misapplication.

SEC. 4. Be it further enacted, That if said special commissioner, or any agent, employed in carrying out the provisions of this Act, shall apply any of the funds or articles which may come into his hands to his own use, he shall be guilty of embezzlement, and liable to indictment therefor, and upon conviction, he shall be punished as if he had feloniously stolen such funds or articles, and any member, officer, or agent of said commissioners' court, who shall fail, or refuse to do or perform any of the duties required of him by this Act, shall be guilty of a misdemeanor, and on conviction shall be fined in such sum and imprisoned in the county jail for such length of time as the jury trying the case may impose.

Appointment of appraisers.

SEC. 5. Be it further enacted, That in the event of a levy and collection of a tax in kind, the said commissioners' court shall appoint three citizens of said county from different sections of the county, who shall appraise the value of the articles taxed after taking an oath to faithfully and impartially value said articles, and if the

said special commissioner, or any tax payer is dissatisfied with such appraisement, either may appeal to said commissioners' court, and each tax payer shall be entitled to a credit on his or her county taxes to the amount of the articles received and collected of said tax in kind, and upon the production of said special commissioner's receipt, the tax collector for said county shall discharge said tax payer's county taxes to the extent of the value of the articles received under said tax in kind, and in the event that the value of said articles shall exceed his county tax, the said tax collector shall give to the party a receipt specifying the amount of said excess, which shall be allowed as a credit upon the county taxes of said party for the subsequent year, or years, until the same is exhausted.

SEC. 6. Be it further enacted, That the aforesaid taxes may be levied and collected one time in each year, until the termination of the present war, but no tax in kind must be collected from any person who does not produce two hundred bushels of corn, or five hundred pounds of pork, or fifty bushels of potatoes, or twenty gallons of syrup, but either of these articles may be taxed if more is produced than is mentioned in this section.

SEC. 7. Be it further enacted, That the said commissioners' court may prescribe such rules and regulations as they may deem necessary for the benefit of said special commissioner, and for the protection of the tax payers of said county of Piko.

Approved December 12th, 1864.

No. 200.]

AN ACT

To extend the provisions of an Act to regulate the fees of the Judge of Probate of Chambers County, approved 6th October, 1864, and an Act entitled an Act for the relief of certain officers in Sumter county, approved November 8th, 1862, to the county of Randolph.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the provisions of an act entitled "An Act to regulate the fees of judge of probate of Cham-

Provisions of a
certain act ex-
tended:

bers county," approved 6th October, 1864, and also all the provisions of an act entitled "An Act for the relief of certain officers in Sumter county," approved November 8th, 1862, be and the same are hereby made applicable to the county of Randolph.

Approved December 13th, 1864.

No. 201.]

AN ACT

To increase the fees of the Jailor of Russell County.

Increased
per cent.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the fees of the jailor of the county of Russell, for feeding prisoners confined in the jail of said county, shall, from and after the passage of this Act, be increased fifty per cent.

Approved December 9th, 1864.

No. 202.]

AN ACT

To authorize the Probate Judge of Sumter County to sell certain school lands.

Authority.

Description of
lands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the probate court of Sumter county, be, and is hereby authorized to sell certain school lands lying and being in the county of Sumter, designated as a fractional part of the sixteenth section of township twenty, range one west; *Provided,* a majority of the qualified voters of said township shall consent to a sale of said lands.

Approved December 13th, 1864.

No. 203.]

AN ACT

To make a certain Act applicable to Sumter County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act passed at the last regular session of the General Assembly, entitled "An Act to regulate the fees of the judges of probate for the courts of Greene, Marengo and Choctaw counties," be made applicable to Sumter county. Name of act.

Approved November 25th, 1864.

No. 204.]

AN ACT

To regulate the Fees of the Judge of Probate of Tallapoosa County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled "An Act to regulate the fees of the judge of probate of Chambers county," approved October 6th, 1864, be so amended as to make the provisions, restrictions and limitations of said act applicable also to the county of Tallapoosa, and the judge of probate therefor. Name of act applied.

Approved December 12th, 1864.

No. 205.]

AN ACT

To repeal An Act therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act heretofore passed, making it the duty of the justices of the peace in Tallapoosa county, to discharge the duties of apportioners of public roads, be, and the same is hereby repealed. Name of act repealed.

SEC. 2. Be it further enacted, That the general law shall be applicable to Tallapoosa county. General law applicable.

Approved November 29th, 1864.

No. 206.]

AN ACT

To repeal certain laws therein named, so far as they apply to the County of Tuscaloosa, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the present existing laws, requiring all claims against any county in this State to be presented within twelve months after the same accrue, or the same shall be barred, be, and the same are hereby repealed, so far as they apply to the county of Tuscaloosa. And the court of county commissioners shall be authorized to allow claims heretofore barred by the statute, if in the judgment of said court the same are just and proper.

As to claims against county
Authority to county commissioners.

SEC. 2. *Be it further enacted,* That the court of county commissioners of the county of Tuscaloosa, whenever in the judgment of said court the same shall be just and proper, shall be authorized to make such allowance for the purchase of necessary fuel, for the use of the office of the judge of probate of said county, any law to the contrary, notwithstanding.

Further authority.

Approved December 12th, 1864.

No. 207.]

AN ACT

To authorize the probate court of Walker county to grant administration on certain estates.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate court of Walker county be, and the same is hereby authorized to grant administration upon, and exercise jurisdiction over, the estate of James Blevins, deceased, and of Dr. A. Keiser, deceased, as fully and completely as if said Blevins and Keiser had resided in said county up to, and at the time, of their respective deaths.

Authority.
Names of estates.

Approved December 9th, 1864.

No. 208.]

AN ACT

To regulate the fees of the Judge of Probate, Clerk of the Circuit Court, Sheriff and members of the Commissioners' Court of Washington County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the approval of this Act, ^{increase 100 per cent.} the probate judge, clerk of the circuit court, and sheriff of Washington county, shall be entitled to receive one hundred per cent. on the fees allowed them by the code of Alabama.

SEC. 2. *Be it further enacted ;* That the members of the commissioners' court of roads and revenues of said county, shall be entitled to receive five dollars a day for ^{Compensation of county commissioners.} their services, while their court is in session.

SEC. 3. *Be it further enacted ;* That all laws, and parts of laws, contravening this Act, are hereby repealed, and ^{Repealing clause.} that this Act shall remain in full force and effect until the close of the present war, and no longer.

Approved December 13th, 1864.

No. 209]

AN ACT

For the preservation of Cattle in the county of Washington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first day of January next, it shall be unlawful for any person or persons to sell, or cause to be sold or traded, within the limits of the county of Washington, any butchered beef to any steamboat, or any officer thereof, or any agent or person on any railroad car or train, or ship, or cause to be shipped, or conveyed to market or elsewhere, out of said county for sale, without first obtaining from the judge of probate of said county, a license under his official seal, to ^{License to be obtained to sell.} sell beef as aforesaid, which said license shall continue in force for twelve months from its date ; and the judge of probate shall be entitled to a fee of five dollars for each license so issued, to be paid by the person obtaining the same. *Provided ;* That before issuing such li-

Recommendation necessary censes, the person applying for the same shall produce and file in the office of said judge a written recommendation from not less than five respectable stock raisers of the county.

Judge to furnish list of license. SEC. 2. Be it further enacted : That the judge of probate of said county shall, on the first day of each term of the circuit court for the county of Washington, furnish to the grand jury for said county, a full list of the names of all persons who have obtained such licenses, together with the date of each license. And it shall be the duty of the circuit judge to give this act specially in charge to the grand jury.

Penalty for a violation of this act. SEC. 3. And be it further enacted : That any person violating the provisions of this Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one thousand dollars : and this act shall continue in force until one month after the ratification of a treaty of peace between the Confederate States and the United States.

Approved December 13th, 1864.

No. 210.

AN ACT

In relation to the support of Indigent Families of Soldiers in Winston County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of twenty thousand one hundred and ninety-five dollars and fifty cents, due the county of Winston under the act "to contribute to the support of the indigent families of soldiers in the military service from the State of Alabama," approved December 8th, 1863, and undrawn, and such sum as may be due said county, from the two millions of dollars appropriated for the support of indigent families of soldiers, at the extraordinary session of 1864, may be, and is hereby authorized, to be drawn from the treasury, by Zachariah White, and his receipt shall be a sufficient discharge to the accounting officer of the treasury for the sum or sums drawn by the said Zachariah White, under the authority hereby given.

Z. White may draw.

Approved December 10th, 1864.

No. 211.

AN ACT

For the relief of Indigent Families of Soldiers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That judges of probate of the several counties of the State shall, whenever in the opinion of the court of county commissioners the same may be necessary, be authorized, and is hereby required, to issue an order to the sheriff of his county to employ wagons, teams and drivers for the purpose of transporting such articles of subsistence as may be purchased for the use of the destitute and of indigent families of soldiers of his county under appropriations made by the General Assembly of this State. Order to employ wagons, &c.

SEC. 2. *Be it further enacted :* That the said court of county commissioners must make an appropriation from the county treasury of the county to pay for wagons, teams and drivers, employed as aforesaid, and to pay said sheriff such reasonable compensation for his services in the premises. Appropriations to be made for expenses.

Approved December 13th. 1864.

No. 212.

AN ACT

For the relief of the Families of Soldiers of Jackson County.

WHEREAS ; The Judge of the Court of Probate of Jackson is within the lines of the public enemy, and has in his custody or under his control, a considerable sum of money unexpended, the property of the families of soldiers, within said county, which if not brought out, and deposited with some Confederate depositary for exchange will, by the first of January next, expire and become a loss to said families, Preamble.
Therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened ;* That it shall be lawful for W. H. Robinson, Representative, and Francisco Rice, Senator, or either of them, jointly or severally, to proceed to said county, Persons authorized.

and if possible, to communicate with said judge of probate and obtain from him, or from the person with whom he may have deposited the same said sums of money, and to convey the same to some depositary for exchange.

SEC. 2. Be it further enacted : That it shall be lawful for the said Robinson or Rice aforesaid, or either of them to select any competent person, or persons, not to exceed three, to convey the said money beyond the points of danger, between said county and the depositary, and that each of said persons so engaged, shall be entitled to the sum of ten dollars per diem, together with all their reasonable expenses for said services, out of said fund, to be extracted there from.

SEC. 3. Be it further enacted : That if any one or all of said persons shall appropriate any of said monies to his or their use, other than as above provided, he or they shall be subject to the same pains and penalties as is now prescribed by the law for the misappropriation of such money.

SEC. 4. Be it further enacted : That should the public enemy not speedily withdraw from the said county, it shall be lawful to deposit the monies so received, with the treasurer of the State of Alabama, to be withdrawn from his hands upon the order of the judge of said court of probate.

Approved December 8th, 1864.

No. 213.

AN ACT

For the Relief of the Probate Judge, of Pickens County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened* : That from and after the approval of this Act, the probate judge, of Pickens county, shall be entitled to receive, in lieu of the fees now allowed him by law, the fees now allowed to certain probate judges, by an act entitled "An Act to better regulate the fees of the judges of probate courts of Greene, Marengo and Choctaw counties," approved December 7, 1863.

Approved December 9th, 1864.

No. 214.]

AN ACT

For the Relief of Executors, Administrators and Guardians.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened* : That executors, administrators and guardians be, and they are hereby, authorized to exchange all the Confederate States treasury notes they may have on hand (belonging to the estates or wards they represent) dated prior to the 17th February, 1864, for new issue of Confederate notes : and if the exchange cannot be immediately effected, to deposit said notes of the old issue in any Confederate States depository, and receive therefor call certificates of the Confederate States Government.

Authority to
exchange old
for new issue.

Approved December 13th, 1864.

No. 215.]

AN ACT

For the Relief of Executors, Administrators, Guardians, and Trustees in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened* : That if any executor, administrator, guardian or trustee, having charge of an estate which is, or has been, kept together by order of court, or in conformity to the trust, or in conformity to any law, shall have heretofore given, or shall hereafter give, any bond to the Confederate States to obtain his own exemption or detail, as owner or manager of the estate, or to obtain the exemption or detail of any other person, as overseer of the estate under the provisions of the act of the Congress of the Confederate States, approved February 17th, 1864, entitled "An Act to organize forces to serve during the war," such bond shall be binding upon the estate, and the executor, administrator, guardian or trustee, giving such bond, shall only be chargeable on settlement of his accounts as such, with the price actually received by him for the meat, grain or other provisions sold or delivered in pursuance of the condition of such bond, and the requirements of said act. *Provided, the*

Cases.

Bond binding
on the estate.

What must be proved. said executor, administrator or guardian, in all cases where said bond has been given to obtain his own exemption or detail, shall prove to the court making the settlement, that he has performed the duties of overseer, or manager of the estate faithfully, and to the best of his ability.

What property. SEC. 2. Be it further enacted ; That the executors, administrators, guardians and trustees of all estates in this State, which are solvent be, and are hereby authorized to receive in payment of any property of the estate, which has been, or shall be, impressed for the use of the Confederate States, or which shall be sold or delivered to the Confederate States in pursuance of any bond which has been, or shall be given under the act referred to in the first section of this act, the non-taxable six per cent. certificates of indebtedness of the Confederate States, or the treasury notes of the Confederate States ; and on settlement of their accounts as such, they shall only be accountable for the same, if so received.

What securities to be received.

Approved November 29th, 1864.

No. 216.]

AN ACT

For the relief of Tax Assessors and Collectors of Autauga County.

Collect 100 per cent. increase in certain cases. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the assessors and collectors of State and county taxes in Autauga county, to collect from each tax payer who is not in the army of the Confederate States, or in the militia service of the State of Alabama, one hundred per cent. upon the amount now allowed by law, to such collectors and assessors, for assessing and collecting the taxes of those who fail or refuse to meet them at such time and place as said officers may appoint for the assessing or collecting of said taxes.

Approved December 6th, 1864.

No. 217.]

AN ACT

For the Relief of the Securities of James Maherg, late
Tax Collector of Calhoun County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, ^{Authority to} and he is hereby, authorized and required to settle with ^{comptroller.} the securities of James Maherg, late tax collector of Calhoun county, the claim of the State against said tax collector, and in said settlement, allow said securities a credit for all errors, and such sums as said tax collector ^{What claim} failed to collect from insolvent parties, who failed to pay ^{and the credit.} the tax assessed against them in the year 1860, and in the settlement of the errors and insolvencies, the list of insolvencies and errors certified to by the probate judge and court of county commissioners of Calhoun county, shall be evidence tending to show the correctness of the same.

SEC. 2. *Be it further enacted,* That the securities of said James Maherg be, and they are hereby, released ^{Securities re-} from the damages that may have occurred to the State ^{lieved from} on account of the default of said James Maherg, tax collector, upon paying the principal, interest and cost due ^{damages.} to the State.

Approved December 9th, 1864.

No. 218.]

AN ACT

For the relief of W. H. Fitts, tax collector of Choctaw
county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, ^{Comptroller to} and he is hereby, directed to allow to W. H. Fitts, tax ^{allow credit} collector of Choctaw county, on settlement with him as ^{for \$12,71 13.} such tax collector, the sum of twelve hundred and seventy-one dollars and thirteen cents, for discrepancies between the abstract of the assessment of the State tax in said county, for the year 1863, filed in the comptrollers office, and the tax book of said county, the said Fitts being charged by said abstract with that amount more than is justly due.

Approved December 10th, 1864.

No. 219.]

AN ACT

For the Relief of B. F. Garrison, Tax Collector of Perry
County.

Allowed credit
for \$613 93.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That B. F. Garrison, tax collector of Perry county be allowed, in his settlement with the comptroller of public accounts, a credit for the sum of five hundred and thirteen dollars and three cents, the amount of the list of errors and insolvencies as certified by the commissioners' court of Perry county, the same as if said list of errors and insolvencies, &c., had been filed within the fiscal year ending 30th September, 1864.

Approved December 3d, 1864.

No. 220.]

AN ACT

For the Relief of A. J. Fletcher, Tax Collector of Covington County.

Allowed until
May, 1865, to
make return.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That A. J. Fletcher, tax collector of Covington county, be allowed until the first of May, 1865, to make his return to the comptroller for the taxes of 1864. *Provided,* That this act shall not take effect until the sureties on the official bond of said tax collector file their written assent thereto in the office of the comptroller of public accounts.

Approved November 29th, 1864.

No. 221.]

AN ACT

For the Relief of G. C. C. Brown, Tax Collector of Bibb County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby, directed to draw his warrant on the

State treasurer for the sum of eighty-two dollars and seventy-one and three-quarter cents, in favor of O. C. C. Brown, tax collector of Bibb county, for the purpose of refunding him that amount paid to the comptroller when he should have been credited for the same on account of insolvencies, &c., for the year 1863, in his settlement with the comptroller.

Comptroller to draw warrant for \$82,71½.

Approved November 26th, 1864.

No. 222.]

AN ACT

For the Relief of John Clack.

WHEREAS : John Clack, the collector of State and county taxes for the county of Marshall, Alabama, was robbed by a raiding party of the public enemy, of two hundred dollars of the public money under his control, and without fault or negligence upon the part of said Clack, as is satisfactorily established by the affidavit of a disinterested person, therefore

Preamble

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said John Clack, collector of the State and county taxes, for the county of Marshall be, and he is hereby, discharged from the liability to the State aforesaid, for the sum of two hundred dollars by him so collected and lost.

Discharged from liability for \$200.

Approved December 13th, 1864.

No. 223.]

AN ACT

For the relief of Burrell Johnston, late Tax Collector of Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the present tax collector of Perry county be, and he is hereby authorized to assess and collect, on the amount assessed, on money hoarded in the year 1862, a tax of five per cent. in lieu of one quarter of one

Five per cent. instead of one quarter per cent.

Pay same to
Burrell John-
ston.

per cent., the amount assessed and collected for the year 1862, and when thus assessed and collected, the present tax collector for Perry county shall pay the same over to Burrell Johnston, late tax collector for said county, the said Burrell Johnston having paid over to the State of Alabama the tax of five per cent. on money hoarded for the year 1862, and having collected only one-quarter of one per cent.: *Provided*, that the said tax collector, in collecting said tax, shall allow said tax payers on money hoarded, a credit for the amount heretofore paid by them on said tax in 1862.

Approved December 12th, 1864.

No. 224.]

AN ACT

For the relief of Henry T. Gaines, Tax Collector of Mobile county.

Comptroller
to admit a
credit of
\$20,623 13.

Why.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized to allow a credit to Henry T. Gaines, tax collector of Mobile county, for the sum of twenty thousand six hundred and twenty three dollars and thirteen cents, being the amount of the list of errors, insolvencies, &c., to be received and filed in the office of said Comptroller, when properly certified by the commissioners' court of said county of Mobile, the same as if said list had been so filed within the fiscal year ending on the 30th of September, 1864.

To allow amt
overpaid.

SEC. 2. *Be it further enacted*, That the comptroller be, and he is hereby authorized and required to allow to said Henry T. Gaines, tax collector of Mobile county, for a credit upon his settlement of the taxes for 1864, any amount which he may be satisfied has been overpaid, on the final settlement of the taxes of said county for the year 1863.

Approved December 13th, 1864.

No. 225.]

AN ACT

For the Relief of Bartlett Owen, of Calhoun County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts draw ^{comptroller} his warrant upon the treasurer of the State in favor of ^{to draw warrant for \$217} Bartlett Owen, late sheriff of Calhoun county, for the ²⁵ sum of three hundred and seventy-seven dollars and twenty-five cents, to be paid out of any money in the treasury not otherwise appropriated, said sum having been paid out of by said Owen for necessary expenses over and above what the law allowed him in conveying three men convicted of felony from Calhoun County, to the Penitentiary.

Approved December 7th. 1864.

No. 226.]

AN ACT

For the relief of Thomas H. Mabson, Sheriff of Macon County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of public accounts be ^{Warrant for \$60.} and he is hereby authorized to draw his warrant on the treasurer in favor of Thomas H. Mabson, sheriff of Macon county, for the sum of sixty dollars, being the amount of expenses incurred in carrying a prisoner from the jail of Macon county, to the jail of Russell county, by reason of a change of venue.

Approved November 26th, 1864.

No. 227.]

AN ACT

For the Relief of Thomas B. Smith, of Marion County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county treasurer, of Marion county, ^{County treasurer to pay him \$4000.} be required to pay to Thomas B. Smith, the sum of four

The reason. thousand dollars? (\$4,000) in Confederate States or State treasury notes, being the balance of the proceeds of sale of a runaway slave lodged in the jail of said county, and sold pursuant to law in May 1864.

What required previous to payment. SEC. 2. Be it further enacted, That previous to the payment of the said sum of four thousand dollars, the said treasurer of Marion county shall require of E. J. Cheney, who was the owner of said slave, to file his consent in writing, signed by himself or his authorized agent, releasing all claim to said fund of four thousand dollars.

Approved December 13th, 1864.

No. 228.]

AN ACT

For the relief of T. F. Samuel, sheriff of Tuscaloosa county.

Comptroller to draw warrant for \$200. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be required to draw his warrant on the Treasurer in favor of T. F. Samuel, sheriff of Tuscaloosa county, for the sum of two thousand dollars, to be paid out of any money in the treasury not otherwise appropriated, it being the amount of actual expenses paid by said T. F. Samuel over and above the amount allowed by the Comptroller for conveying to the penitentiary one Michael Lynch, a convict, from said county.

Approved December 6th, 1864.

No. 229.]

AN ACT

For the relief of the Administratrix on the estate of James T. Brock, of Chambers county, deceased.

Sell at private sale without Judge's order certain property. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mrs. Sarah Brock, administratrix on the estate of James T. Brock, late of Chambers county, deceased, be and she shall have power and authority to sell at public auction, without obtaining an order of the

court of probate, the law library and law books belonging to said estate; and that said administratrix shall make a return of said sale, under oath, to the court of probate.

Sec. 2. Be it further enacted, That any sale heretofore made by said administratrix, without an order of said court of probate, of the law books of said estate, shall be and the same is hereby legalized and made valid, and that said administratrix shall make a report of the same, under oath.

Former sale
legalized.

Approved November 30th, 1864.

No. 230.]

AN ACT

For the relief of Samuel A. Fitts, administrator of Wm. Fitts, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled, "An Act for the relief of Samuel A. Fitts, administrator of Wm. Fitts, deceased," approved December 8, 1863, be, and the same is hereby, continued in full force until the 1st of January, 1866.

Certain act
continued in
force.

Approved November 26th, 1864.

No. 231.]

AN ACT

For the relief of the estate of John Wilkerson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the administrator of the estate of John Wilkerson be, and he is hereby, authorized, upon producing to the probate court of Butler county the certificate of the probate court of Russell county that he has executed bond, with sufficient surety, in the penalty and with the conditions of his present bond as the administrator of said estate, now on file in the probate court of Butler county, before the said probate court of Russell county, to have the order of said probate court of Butler county transferring the administration of said estate, from the probate court of Butler county to the probate

Administra-
tion removed
to Russell
county.

court of Russell county, and of which administration said probate court of Russell county shall have as full and complete jurisdiction, and said administrator be as fully responsible, as if said administration had been, according to existing laws, originally granted in Russell county.

MUST MAKE FULL SETTLEMENT IN BUTLER COUNTY. SEC. 2. Be it further enacted, That before the order of removal is granted as above provided, the administrator of the estate of said John Wilkerson shall make full settlement of said estate with the probate court of Butler county, and shall pay to said judge all costs that shall have accrued in the administration of said estate in Butler county.

PAPERS, ETC., TO BE TRANSFERRED SEC. 3. Be it further enacted, That after the granting of the order of removal, as aforesaid, the judge of probate of Butler county shall be authorized to transfer all papers in his office, relating to said estate, to the probate court of Russell county, together with a certified transcript of all proceedings had in the probate court of Butler county concerning the same.

Approved December 13th, 1864.

NO. 232.]

AN ACT

For the relief of William F. Terrell, executor, etc.

AUTHORITY TO PROBATE THE WILL. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That William F. Terrell, as executor of the last will and testament of Legh R. Terrell, late of Perry county, deceased, is hereby authorized to probate said last will and testament, and take out letters testamentary thereon in the Probate court of Marengo county, and said Probate court is hereby vested with jurisdiction over the estate of the said Legh R. Terrell deceased, and the power to receive the said will for probate, to probate the same, and grant letters testamentary thereon, any law to the contrary, notwithstanding.

Approved December 7th, 1864.

No. 233.]

AN ACT

For the relief of Talloula Brockman, of Wetumpka, Ala.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Talloula Brockman, of Wetumpka, Ala. be, and she is hereby released from the disabilities of non-age, so as to authorize her to make settlement with, and to receive from her guardian, all her property in the same manner, and to the same extent as though she was of full age; and her guardian is hereby authorized, and fully empowered, to settle with and deliver to said Brockman, all her property, and the settlement and receipts of the said Brockman, shall be as effectual as if she were of full age. Relieved from the disability of non-age.

Approved December 1st, 1864.

No. 234.]

AN ACT

For the relief of Mrs. Ida F. Jarratt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mrs. Ida F. Jarratt, of Montgomery county, who is under twenty-one years of age, be, and she is hereby enabled to make and perfect any sale or other disposition of her dower, or right of dower, in the real estate of her deceased husband, that she could make and perfect if she were over the age of twenty-one years. Make a sale of dower.

Approved November 21st, 1864.

No. 235.]

AN ACT

For the relief of the heirs of R. H. Fryer, deceased, of Barbour County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate court of Barbour county, be, and is hereby authorized, upon good cause shown, to grant an order of court to the administratrix of R. H. Fryer, deceased, to keep said estate together until the oldest child of said deceased, becomes of age. Order to keep the estate together.

Approved December 12th, 1864.

No. 236.]

AN ACT

For the relief of the Judge of Probate of Lawrence County.

Discretionary
as to certain
notices, whe-
ther to publish
or not.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be discretionary with the judge of probate for the county of Lawrence, in all cases wherein he is now required by law to publish any notice, advertisement, or other matter, in some newspaper published in the county, to post the same up at three or more places in said county.

Approved December 9th, 1864.

No. 237.]

AN ACT

For the relief of J. G. J. Whiteside, of Calhoun County.

Governor to
release him
from a certain
contract.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor, be, and he is hereby empowered and fully authorized to release J. G. J. Whiteside of Calhoun county, from his contract heretofore made with the State, to distil spirituous liquor, if in the opinion of the Governor it is proper and just to do so, upon any terms the Governor and said Whiteside may agree.

Approved December 9th, 1864.

No. 238.]

AN ACT

For the relief of Jere Austill of Clarke County.

Relieved from
certain road
duty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That Jere Austill of Clarke county, and his slaves liable to work on public roads, are hereby released from working on the public road from St. Stephens to Mobile, all laws to the contrary, notwithstanding: *Provided,* that this act shall not be in effect, only so long

as he continues to keep up the ferry across the Tombigbee River, at or near his place, and the road leading thereto from the salt works in said county of Clarke. Proviso.

Approved December 6th, 1864.

No. 239.]

AN ACT

For the relief of Alexander Carleton of Marengo County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Alexander Carleton of Marengo county, according to the boundaries of said county, is hereby declared to be a citizen of Clarke county, so long as he continues to live where he now resides. Declared a citizen of Clarke county.

Approved November 21st, 1864.

No. 240.]

AN ACT

For the relief of Wm. B. Modawell of Marengo County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. B. Modawell of Marengo county, be, and he is hereby authorized to locate bounty land warrant, number 36,550, for eighty acres, on any public land of the State of Alabama, according to the laws now in force, without any endorsement or transfer of said land warrant to him by Richard C. Wilson, the person to whom it was issued, in as full, legal and complete way and manner, as if said land warrant had been legally and properly endorsed or transferred to him, any law to the contrary, notwithstanding. Authority to locate a certain land warrant.

Approved November 28th, 1864.

No. 241.]

AN ACT

For the relief of Wilson N. Chandler of Cherokee county.

Sec'y of State
to issue a pa-
tent.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the Secretary of State to issue a patent to Wilson N. Chandler for lot No. 9, of section No. 16, in township No. 12 of range No. 7, East, in Cherokee county, upon proof being made to the satisfaction of the Attorney-General that the purchase money of the same has been fully paid to the proper authority : any law in conflict with this enactment to the contrary notwithstanding.

Approved December 12th, 1864.

No. 242.]

AN ACT

For the relief of Woodson Cocke of Perry county.

Where he may
pay certain
taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Woodson Cocke, of Perry county, be, and he is hereby, authorized to pay his State and county taxes on all his real estate in the county of Dallas to the tax collector of Perry county, and the tax collector of Perry county shall pay the State tax on said real estate received by him from said Cocke, into the State treasury as the taxes are required to be paid by him, and to pay the county tax on said real estate received by him from said Cocke, to the tax collector of Dallas, to be accounted for by him as he is required to account for other county taxes.

Approved December 10th, 1864.

No. 243.]

AN ACT

For the relief of Thomas Kelly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas Kelly, be, and he is hereby relieved from the disability of alienage, so far as the same would prevent him from succeeding to the inheritance of the lands which were the property of John Kelly, deceased: and said Thomas Kelly is hereby empowered to succeed to the inheritance of the lands of which said John Kelly, dec'd, was seized and possessed in the State of Alabama, in the same manner that he would have been, had he been a native born citizen of the State of Alabama, at the time of the death of the said John Kelly.

Relieved from disability of alienage.

Approved December 3d, 1864.

No. 244.]

AN ACT

For the relief of William Dickson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Franklin county be, and is hereby, required to ascertain to what extent, if any, the State and county tax of William Dickson was improperly or illegally assessed for the year 1863, and what amount of State and county taxes for said year, the said William Dickson has paid, over and above what he ought to have paid, if properly and legally assessed.

As to taxes illegally assessed.

SEC. 2. *Be it further enacted,* That if, upon investigation by said court of county commissioners, it shall appear that the said William Dickson has paid county taxes for said year 1863, on an illegal and improper assessment, it shall be the duty of said court to order such excess as he ought not to have paid, to be refunded to him out of the county treasury of said county; and if, upon the said investigation, it shall appear that he has paid more State taxes than ought legally and properly to have been assessed against him, it shall be the duty of said court, through the probate judge of said county,

Excess to be refunded.

to certify the excess to the Comptroller, who, upon the receipt thereof, shall draw his warrant upon the State Treasurer, for the amount certified to have been overpaid by the said Dickson, in his favor, in liquidation of such excess.

Approved December 13th, 1864.

No. 245.]

AN ACT

For the relief of Jeremiah Fail.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Jeremiah Fail shall be entitled to the exclusive use and benefit of one of the three Artesian wells which he bored on the saline lands of Alabama in Clarke county, known as the Stewart or Tower well, for the term of twelve months.

Use of one well.

SEC. 2. *Be it further enacted,* That the said Jeremiah Fail shall not be bound to pay to the State any toll for the use of said well, and that he may let to other persons the surplus water from said well, at rate of toll not exceeding one-tenth, without any accountability to the State for the use of the water from said well; *Provided,* that nothing herein contained shall interfere with the rights of third parties.

Not to pay toll

As to rights of third parties.

Approved December 13th, 1864.

No. 246.

AN ACT

For the relief of Ann A. Zachary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Ann A. Zachary, of the county of Pike, from whom her former husband, Abner J. Zachary, now a citizen of the State of Mississippi, by a decree of a competent court of the latter State, has been lately divorced, without her having had sufficient actual notice of his proceedings to enable her to defend against it, be, and she is hereby, authorized to contract a new marriage, any law to the contrary notwithstanding.

Authorized to marry.

Approved November 25th, 1864.

JOINT RESOLUTIONS

OF THE

FOURTH ANNUAL SESSION.

JOINT RESOLUTIONS

Against Reconstruction with the Federal Government of the United States:

1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That this State hereby affirms and reiterates her unalterable determination to maintain her stand for the independence of the Confederate States, and renews her pledge to her sister States and the Confederate Government, to sacrifice, if necessary, all her resources to the common cause, and should we ever be reduced to the extremity of electing between reconstruction on the basis heretofore indicated by the Lincoln Government, and its military authorities on the one hand, and extermination on the other, we will choose the latter.

2. Resolved, That the people of the United States, by their re-election of Abraham Lincoln President, have decided against an armistice with the Confederate States, to negotiate for peace upon any terms, except such as are embraced in the aforesaid inadmissible basis, thereby evincing a fixed determination to subjugate us or destroy us, and not permit any honorable peace to be made.

3. Resolved, That if any citizen of this State, (which heaven forbid) has heretofore favored reconstruction, he is now deprived of all further excuse to do so, and should make speedy reparation by pledging unreservedly "his life, his property, and his sacred honor" to the cause of Confederate independence.

Approved December 13th, 1864.

JOINT RESOLUTIONS

Raising a Committee to Examine into the Condition of the State Salt Works.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That a joint committee of the two Houses, to be composed of two Senators, and four Representatives, be appointed, whose duty it shall be to visit the Salt Works belonging to the State, as soon as practicable after the expiration of the present session, and make a full and complete investigation of the manner in which said Salt Works are carried on; how much property is owned by the State which is engaged in said business; what amount of salt is produced per annum, and to whom sold; whether all the furnaces and boiling power owned by the State is employed in making salt, and fully and completely examine and investigate all matters connected with said State Salt Works.

SEC. 2. Be it further resolved, That said committee are hereby instructed to inquire how many white persons are engaged as employees at said works, their ages and amount of wages paid said hands; also the number of slaves employed, and the amounts paid for their services, and how paid.

SEC. 3. Be it further resolved, That said committee is hereby empowered to send for persons and papers, and are authorized to administer oaths to any and all persons who may be brought before them, to testify touching any matters connected with the examination and investigation of the condition of said Salt Works.

SEC. 4. Be it further resolved, That said committee shall report in writing to the Governor, the result of their investigation, and the Governor shall transmit the same to the General Assembly of the State at its next regular session.

SEC. 5. Be it further resolved, That the members of said committee shall be allowed their actual expenses while discharging the duties imposed on them by these resolutions, to be paid by warrant drawn by the Comptroller on the State Treasurer, on the certificate of each of the members thereof as to the amount of his actual expenses, and said committee shall also be allowed such compensation for their services in the premises as may be determined on by the next General Assembly.

Approved December 12th, 1864.

JOINT RESOLUTIONS

To amend the Constitution.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following amendment to the Constitution of the State of Alabama be proposed viz : That at the end of Section five, Article three, of said Constitution, the following words be added : "Unless the absence of any elector from the county, city or town of his residence, shall be by reason of his being in the military service of this State, or in the provisional army of the Confederate States."

SEC. 2. *Be it further resolved,* That at the next general election which shall be held for Representatives a vote shall be taken on the proposed amendment to the Constitution, and due returns thereof shall be made according to the requirements of the Constitution and laws of the State of Alabama ; said vote shall be taken by those who are in favor of said amendment, endorsing on their ballots for Representatives the words "for amendment," and those who are opposed, endorsing on their ballots for Representatives "against amendment," and it shall be the duty of the Secretary of State to have the proposed amendment published in print, at least, three months before the next general election of Representatives, and if at said election a majority of all those voting for Representatives shall have voted in favor of said amendment, such further proceedings shall be taken as will constitute the proposed amendment, a part of the Constitution of the State of Alabama.

Approved December 3d, 1864.

JOINT RESOLUTION

To provide for Receipts in payment of Taxes, and other Public Dues.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators be instructed, and members of Congress be requested, to procure the passage of a law providing for the receipt, in payment of taxes, and other public dues, of certificates and stated accounts, given by the authorized agents of the Government, for property and supplies impressed, or purchased, for the use of the army and Government,

Approved November 26th, 1864.

JOINT RESOLUTIONS

In relation to Impressments, and the Schedule of Prices fixed by Confederate Commissioners.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the right of the Confederate Government to impress the private property of citizens, for the public use, is conceded : and where the public service requires it, but only in such cases, that right should be exercised, and always, as the constitution requires, with just compensation to the owner of said property.

2. *Be it further resolved*, That the good faith of the Government, as well as good policy, requires that citizens should receive the compensation awarded them for impressed property, at the time it is taken ; and that the policy which has heretofore been adopted, of paying for impressed property in mere certificates of impressment, which cannot be used either in the payment of public dues or private debts, is alike violative of the rights of the citizen, and the constitutional obligations of the Government.

3. *Be it further resolved*, That the recent schedule of prices, fixed by the commissioners of several States, is arbitrary, unequal, and unjust, and should be immediately revised ; fixing the rates of compensation upon the basis of a fair market valuation for impressed property, in the neighborhood where it is impressed.

4. *Be it further resolved*, That all certificates of indebtedness issued by the Government in payment for property taken for public use, should be receivable in payment of public dues.

5. *Be it further resolved*, That his Excellency, the Governor, be and he is hereby requested to forward a copy of these resolutions to each one of our Senators and Representatives in Congress.

Approved November 26th, 1864.

JOINT RESOLUTION

In relation to the Subsistence and Pay of the County Reserves.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor be requested to effect an arrangement with the Confederate authorities by which the county reserves, when employed in arresting deserters and stragglers from the army, in expelling raids, or in guarding Confederate prisoners, shall be subsisted and paid by the Confederate Government.

Approved November 26th, 1864.

JOINT RESOLUTION

Urging the payment of Officers and Privates by Confederate authorities.

WHEREAS, a large proportion of the officers and privates in the military service of the Confederate States are men of limited means, many having families at home who are in straightened circumstances, and in want of the necessities of life; And whereas, there has been great neglect in the paying department of the Confederate Government, in meeting its engagements with the said officers and privates, which is the cause of much dissatisfaction and complaint; therefore

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in the Confederate Congress be instructed, and our Representatives be requested, at the earliest day possible, to bring this subject to the consideration of the proper authorities at Richmond, and urge with becoming earnestness the importance and necessity of the immediate payment of the debt due to our worthy officers and soldiers aforesaid.

Approved November 30th, 1864.

JOINT RESOLUTIONS

For the purchase of Stationery and Fuel.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of twenty thousand dollars, or so much thereof as may be necessary be, and the same is hereby appropriated for the purchase of stationery and fuel for the use of the State.*

2. *Be it further resolved, That the Comptroller of public accounts draw his warrant on the State Treasurer in favor of the Secretary of State, for the above amount, or so much thereof as may be necessary, to be paid out of any money in the Treasury not otherwise appropriated: Provided, that the vouchers for purchases made under this appropriation, shall be filed in the Comptroller's office.*

Approved December 13th, 1864.

JOINT RESOLUTIONS

On the subject of the organization of a Battalion of State Reserves.

WHEREAS, it is made known to this General Assembly, that it is in contemplation by the military authorities to organize a battalion out of certain companies of State reserves, for the more efficient protection of the citizens of this State, and the arrest of deserters and stragglers from the army; And whereas, there is much anxiety felt by officers and privates of said companies upon the subject of the election of officers to command said battalion, preferring to elect their own officers, to having them appointed, and preferring Alabamians for commanders, rather than officers selected from other States; and this General Assembly, sympathizing with the officers and privates of said companies, believing they will be better satisfied, and make better soldiers, if their wishes shall be consulted and respected, feel constrained to interpose the following resolutions in their behalf; therefore,

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That our Senators in Congress be instructed, and our Representatives be requested to use all proper means, consistent with the interest of the service, to induce the war department, in the organization aforesaid, to provide, that officers who may command said battalion, may be elected by a vote of their said command, and if this is incompatible with the service, that none but Alabamians may be appointed to that command.

2. Resolved. That his excellency the Governor, is hereby requested to forward a copy of this preamble and resolutions to each of our Senators and Representatives in Congress.

Approved December 13th, 1864.

JOINT RESOLUTIONS

Relating to the Regimental Flag of Alabama Volunteers.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened. That there shall be one room in the Capitol of the State, to be selected by the Governor, set apart and appropriated for the deposit of such flags as may be sent by the several regiments of Alabama volunteers in the Confederate service, with letters or other information as may accompany such flags.

Approved December 9th, 1864.

JOINT RESOLUTIONS

In relation to the contract with the State of Alabama and the Alabama Arms Manufacturing Company, for the manufacture of arms for the State.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the Alabama Arms Manufacturing Company having utterly failed to comply with their contract with the State, entered into on the 20th day of March, 1862, for the manufacture and delivery of arms to the State, and having received from the State as an advance on their contract, State bonds to the amount of two hundred and fifty thousand dollars, it shall be the duty of the Governor, without delay, to take such steps as shall be necessary to recover damages from said Company, for their breach of said contract, or for the recovery of the value of said bonds advanced or loaned to said company, or for the recovery of the bonds advanced.

Resolved further, That no State officer shall receive anything in payment of the amount that shall be recovered from said company, or in payment of the claim of the State against said company, except State bonds, equal in value to those advanced said company, or specie funds, or State, or Confederate treasury notes, at their value compared with the value of the State bonds advanced to said company, at the time they were received by said company.

Approved December 13th, 1864.

JOINT RESOLUTION

Of Thanks to the Ladies of the State of Alabama.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened. That being profoundly and gratefully impressed with the lofty and patriotic spirit, the ardent devotion, and the unremitting labors and sacrifices of the noble women of the State, in providing for the wants and comforts of our gallant soldiers, and who, by their labors of love, their patience of hope, and their unflinching constancy in our cause, have nerved our veteran soldiers in the field, in this bloody and unequal contest with our cruel and unrelenting foe, do hereby tender to them our thanks, and the thanks of the whole people of the State.

Approved December 9th, 1864.

JOINT RESOLUTION

In relation to the Contracts for the manufacture of Fire Arms and Sabres.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be, and he is hereby authorized and required to adjust and settle upon such terms as he may deem best, with Lewis G. Sturdevant, Daniel Wallis, and Charles P. Levy, contractors for the manufacture of fire arms and sabres, and which said contractors have failed to comply with the terms of their said contracts.

Approved December 13th 1864.

OFFICE OF SECRETARY OF STATE. }
MONTGOMERY, ALA., February 17th, 1865. }

I hereby certify that the foregoing Acts, Resolutions and Memorials are correct copies, corrected from the original rolls on file in this office.

P. H. BRITTAN, Secretary of State.

TABLE

OF THE

RATES OF INTEREST IN THE SOUTHERN AND CONFEDERATE STATES.

Compiled in pursuance of an Act approved February 19th, 1848.

Maryland.....	6 per cent.	South Carolina.....	6 per cent.
North Carolina.....	6 " "	Kentucky.....	6 " "
Tennessee.....	6 " "	Georgia.....	7 " "
Alabama.....	8 " "	Florida.....	6 " "
Virginia.....	6 " "	by contract..	8 " "

ARKANSAS—Legal interest, 6 per cent.: conventional interest, 10 per cent.

TEXAS—Legal interest, 8 per cent.: conventional interest, 12 per cent.

MISSOURI—Legal interest, 6 per cent.; conventional interest, 10 per cent.

MISSISSIPPI—Legal interest, 8 per cent.; on lent money, 10 per cent.

LOUISIANA—Legal interest, 6 per cent.: bank interest, 6 per cent. conventional interest, 10 per cent.

OFFICE OF SECRETARY OF STATE, }
Montgomery, Ala., Feb'y 17, 1865. }

Certified to be correct.

P. H. BRITTAN, *Secretary of State.*

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NAMES

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SENATORS AND THEIR POST OFFICES.

NAMES.

DISTRICTS.

POST OFFICES.

Walker, T. A., President	Calhoun	Jacksonville.
Taul, Micah, Secretary		
Morgan, John P., Ass. Sec'y.		
Frederick, Fr. Door keeper.		
Barnes, W. H.	Chambers	Chambers C. H.
Beeson, C. G.	Blount and St. Clair	Ashville
Broadnax, R.	Clarke, Baldwin and Monroe	Suggsville.
Bulger, M.	Tallapoosa	Dadeville.
Cato, L. L.	Barbour	Eufaula.
Clarke, W. E.	Greene and Marengo	Dayton.
Coleman, A. J.	Marion and Fayette	Millport.
Coman, J. P.	Limestone & Morgan	Athens.
Critcher, James	Marshall and DeKalb	Guntersville.
Davis, DeWitt C.	Coffee, Conecuh and Covington	Andalusia.
Ervin, R. H.	Dallas and Wilcox	Camden.
Garrett, William	Coosa	Socopotoy.
Groce, B. W.	Talladega	Munford.
Hammond, F. L.	Madison	Marion.
Harrison, E.	Lowndes and Butler	Montgomery.
Hill, J. A.	Lawrence, Walker and Winston	Jasper.
Jackson, W. M.	Franklin	Tuscumbia.
Ligon, R. F.	Macon	Tuskegee.
Lewis, J. A.	Russell	Columbus, Ga.
Moren, E. H.	Perry and Bibb	Centreville.
McCall, D. A.	Pike	Perote.
Payne, J. J. W.	Pickens	Yorkville.
Peacock, R. P.	Dale and Henry	Skippersville.
Porter, M. T.	Shelby and Jefferson	Elyton.
Powell, E. A.	Tuscaloosa	Tuscaloosa.
Reavis, Turner	Sumter, Choctaw and Washington	Gainesville.
Rice, S. F.	Montgomery and Autauga	Montgomery.
Rice, F.	Jackson	Princeton.
Stewart, James W.	Lauderdale	Florence.
Toulmin, T. L.	Mobile	Mobile.
Wood, W. T.	Randolph	Chulafinna.

NAMES

OF

REPRESENTATIVES AND THEIR POST OFFICES.

NAMES.	COUNTIES.	POST OFFICES.
Crenshaw, W. H., Speaker.	Butler.....	Manningham.
Elmore, Albert, Clerk.		Montgomery.
Clitherall, A. B., Ass. Clerk.		"
Henshaw, J., Eng. Clerk.		"
Nall, M., Door-keeper.		
Armstrong, H. W.....	Randolph.....	Chulafinna.
Ashe, G. W.....	St. Clair.....	Branchville.
Ashe, T. P.....	Washington.....	St. Stephens.
Ashurst, R.....	Tallapoosa.....	Tallassee.
Atkinson, Ben.....	Pickens.....	Bridgeville.
Beard, A.....	Marshall.....	Guntersville.
Bell, E.....	Dallas.....	Bellview.
Benners, A.....	Greene.....	Greensboro.
Bethea, T. B.....	Montgomery.....	Montgomery.
Bishop, W. A.....	Tuskaloosa.....	Tuskaloosa.
Bradley, J. C.....	Madison.....	Huntsville.
Brandon, John.....	Cherokee.....	Guntersville.
Brooks, J. R.....	Pike.....	Buck Horn.
Bryan, C. J.....	Macon.....	Tuskegee.
Byers, R. B.....	Baldwin.....	Tensaw.
Brown, P.....	Jackson.....	Bellfonte.
Bush, W.....	Dale.....	Ozark.
Carlisle, G. W.....	Pike.....	Brundidge.
Chambers, W. H.....	Barbour.....	Eufaula.
Chapman, J. H.....	Perry.....	Marion.
Charlton, G. P.....	Morgan.....	Somerville.
Chisholm, T. L.....	Lauderdale.....	Florance.
Clark, J. S.....	Lawrence.....	Moulton.
Cobb, Alexander.....	Fayette.....	Davis Creek.
Coleman, Wiley.....	Greene.....	Eutaw.
Cooper, T. B.....	Cherokee.....	Centre.
Cottle, T. P.....	Covington.....	Andalasia.
Cox, W. R.....	Pike.....	Brundidge.
Cumming, S. J.....	Monroe.....	Burnt Corn.
Davis, J. W.....	Bibb.....	Centreville.
Davis, M. L.....	Marion.....	Detroit.
Dawson, N. H. R.....	Dallas.....	Selma.
Dent, A. A.....	Tallapoosa.....	Dudleyville.
Donnell, J. W. S.....	Limestone.....	Athens.

REPRESENTATIVES AND THEIR POST OFFICES.

Continued.

NAMES.	COUNTIES.	POST OFFICES
Edwards, Jephth	DeKalb,	Duck Spring
Ellis, R.	Blount,	Blountsville
Evans, J. S.	Chocoma,	Madon Spring
Fannin, A. B.	Macon,	Tuskegee.
Foster, J. T.	Chocoma,	Butler.
Gafford, S. F.	Butler,	Greenville.
Gardner, J. T.	Pickens,	Reform.
Gibson, A. M.	Blount,	Blountsville.
Graves, P. T.	Lowndes,	Manack.
Greathouse, E.	Tallapoosa,	Dadeville.
Greene, William	Conecuh,	Evergreen.
Hanes, W. M.	Calhoun,	Jacksonville.
Head, J. C.	Macon,	Auburn.
Hellin, J. T.	Randolph,	Wetowee.
Hollis, D. W.	Marion,	Moscow.
Howard, L.	Autauga,	Aulberry.
Howell, G. W.	Cherokee,	Howell's Cross Roads.
Jones, C. W.	Bartow,	Clayton.
Keenan, J.	Shelby,	Montevallo.
Kilpatrick, J. Y.	Cherokee,	Grove Hill.
Lawler, L. W.	Tallapoosa,	Alpine.
Leeper, S. A.	Shelby,	Columbiana.
Lewis, T. P.	Tuscaloosa,	Tuscaloosa.
Ligon, A. W.	Franklin,	Newberry.
Magee, Jacob	Mobile,	Mobile.
Mahar, G. S.	DeKalb,	Lebanon.
Yamson, John	Walker,	Holly Grove.
May, W. S.	Lowndes,	Benton.
Merrick, John	Dale,	Westville.
Mitchell, D. B.	Russell,	Talbot.
Modawell, W. B.	Marion,	McKinley.
Moore, John	Wilcox,	Snow Hill.
Moore, John G.	Colfax,	Elba.
Morrow, John C.	Jefferson,	Plyton.
Moulton, C. F.	Mobile,	Mobile.
McAlexander, A.	Lauderdale,	Florence.
McGinn, T. U. T.	Coosa,	Wetumpka.

REPRESENTATIVES AND THEIR POST OFFICES.

(Continued.)

NAMES.	COUNTIES.	POST OFFICES.
Annis, John	Sumter, - - - -	Sumterville.
Glellan, J. B.	Limestone, - - - -	Athens.
More, J. J.	Chambers, - - - -	Chambers C. H.
Robert, F. A.	Russell, - - - -	Oswatchee.
Shourne, W. H.	Montgomery, - - - -	Montgomery.
Spr, A.	Franklin, - - - -	Pleasant Site.
Parish, L.	Henry, - - - -	Abbeville.
Marker, C. A.	Barbour, - - - -	Mount Andrew.
Marker, E. S. C.	Coosa, - - - -	Nixburg.
Fursten, L. E.	Talladega, - - - -	Talladega.
Price J. L.	Perry, - - - -	Uniontown.
Read, E. C.	Calhoun, - - - -	Jacksonville.
Robinson, V. H.	Jackson, - - - -	Bellefonte.
Ryan, D. T.	Calhoun, - - - -	Jacksonville.
Seruggs J. W.	Madison, - - - -	Huntsville.
Seay, J.	Fayette, - - - -	Mud Creek.
Sims, L.	Talladega, - - - -	Talladega.
Sibley John	Marshall, - - - -	Guntersville.
Syke, F. W.	Lawrence, - - - -	Courtland.
Taylor, J. T.	Mobile, - - - -	Mobile.
Towes, J. C.	Chambers, - - - -	Chambers C. H.
Vanandt, J.	Coosa, - - - -	Rockford.
Vicent, W. A.	Cherokee, - - - -	Gadsden.
Wst, A. A.	Tallapoosa, - - - -	County Line.
White, Z.	Winston, - - - -	Littleville.
Williams, George V.	Henry, - - - -	Abbeville.
Wolff, Samuel,	Mobile, - - - -	Mobile.
Young, J. W.	Jackson, - - - -	Scottsboro.